

Moore Township Board of Supervisors
2491 Community Drive
Bath, PA 18014
October 7, 2021

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Thursday, October 7, 2021 by Chairman Daniel Piorkowski at 6:00 PM. The meeting was conducted at the Klecknersville Rangers Volunteer Fire Company fire hall. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Richard Gable, Township Manager Nicholas Steiner, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE).

SUB-DIVISIONS AND LAND DEVELOPMENT

#21-01 P/F Lorin Arthofer Major Subdivision

Mr. Dave Frey, Vice Chair of the Planning Commission (PC), said the applicant is one of three owners who proposed to subdivide 20.8 acre subject property on Beersville Road to create a total of two building lots with two single family detached dwellings. There's frontage on E. Beersville Road, Buss Road, and Grouse Drive. It is located in rural agricultural zoning district. Proposed improvement include construction of roadside swale along Buss Road. Construction of the additional roadway improvements were deferred by the Board of Supervisors until such a time either property was subdivided. The subject property is one of several residential properties resulting from at least two prior subdivisions and a lot line adjustment therefore qualifying as a major subdivision according to SALDO section 2.05.45.c. The PC passed a motion to grant conditional final approval with conditions set forth in KCE review letter dated September 24, 2021 and review letter from Chris Noll, Sewage Enforcement Officer (SEO), dated September 14, 2021. Mr. Piorkowski and Mr. Shaffer asked Mr. Horvath if he had any input. Mr. Horvath asked if they recalled a subdivision from a few months ago regarding deferral of roadside improvements. There was discussion of a swale along Buss Road. This is one of the outstanding items the engineer and Mr. Horvath will discuss and clear up. The PC agreed it was something they could handle between engineers and modify the final plan if the Board saw fit to grant conditional final approval. He has no additional concerns. Mr. Frey said they think the two lots would pay \$2,000 each for \$4,000. They think it was deferred before noting Ms. Kerbacher looked up the records.

Mr. Shaffer made a motion to grant conditional final approval to #21-01 Arthofer Major Subdivision with conditions set forth in Keystone review letter dated September 24, 2021 and the review letter from Mr. Noll dated September 14, 2021

Mr. Gable seconded the motion

Public comment

Attorney Backenstoe asked Mr. Horvath if he prepared the conditional final approval form. Mr. Horvath did. Attorney Backenstoe asked Mr. Ken Hahn, engineer for the applicant, if there are any objections to the conditions. Mr. Hahn did not have any objections.

Motion carried with all Supervisors present voting aye

WAIVERS & DEFERALS

REGULAR BUSINESS

MINUTES

Mr. Shaffer made a motion to approve the minutes from September 9, 2021 and September 28, 2021

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FINANCIAL REPORT

Mr. Gable made a motion to approve the Financial Report

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

PAYMENT OF THE BILLS

Mr. Shaffer made a motion to pay the bills

Mr. Steiner noted bills for the month from General Checking are \$304,662.60 which includes the police pension payment. The Liquid Fuels bills are \$25,225.60.

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

APPROVE PAYROLL

Mr. Gable made a motion to approve the payroll

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

POLICE DEPARTMENT

Chief Gary West read the report for the month of September 2021.

Truck Scales Purchase – 2020 LSA Grant

Chief West asked for approval of the purchase of truck load weigh scales. In 2020, they applied for and were award a LSA grant with a total purchase price of \$99,862. This would then be reimbursed by the grant. These scales are not subject to the bidding process because the manufacturer is the sole proprietor of these scales in the United States. According to the Procurement Code, Title 62, a contract may be awarded for a supply, service, or construction item without competition if the contracting officer determines in writing that one of the following conditions exists: only a single contractor is capable of providing the supply, service, or construction. These are the same scales used by Pennsylvania State Police. Mr. Gable asked how many scales they're purchasing. Chief West said they'll receive ten, and Bushkill Township will receive ten as they entered into the grant agreement with Bushkill. Mr. Piorkowski asked if the total scales are 20 and if the price is for all 20. Chief West said yes, that is the price for 20.

Mr. Gable made a motion to approve the purchase of the truck scales being reimbursed by the 2020 LSA grant

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

LSA Grant – Two Police Vehicles

Mr. Steiner said they had a special meeting the previous week after finding out the LSA grant deadline for this year was September 30. They had a special meeting to approve a resolution allowing Mr. Steiner to apply for the grant. They applied for a grant in the amount of over \$106,000 to purchase two police vehicles which would replace two vehicles in bad condition. If they get approved, it will be a fully reimbursable grant, no match requirement.

FIRE & AMBULANCE

Mr. Jason Harhart read the most recent month's fire and ambulance report.

PUBLIC WORKS DEPARTMENT

Carol Lane Findings

Mr. Horvath met with Mr. Steiner and Mr. Craig Hoffman several weeks ago and reviewed conditions of Carol Lane in the field. They met with homeowners of lots 34 and 35 of Carol Lane. They reviewed the plans and the stormwater management plan of the subdivision. They looked at particular concerns and noted there was a possible way to resolve some of the issue with the water that was getting to lot 34. The Public Works would remove some of the earth along Carol Lane preventing water from leaving the roadway and grade it in a way that would encourage to send it down an existing channel instead of the driveway of one of the properties. They also looked at the stones, cinder, and debris washing into a cross pipe across Carol Lane and emptying into lot 35 to the other end of the pipe. This is where the water is supposed to flow. There's nothing wrong with the way the water is draining in that particular regard. When water is draining, it is picking up stones and cinders bringing it into the storm sewer system and discharging into the front yard of the Steagers, lot 35. There are a number of things that can be done to improve drainage in the subdivision. The problems are long term in that it doesn't appear the subdivision was built the way it was designed, and there are really no well-defined roadside channels that would keep the water off the road surfaces. Water is crossing the road during heavy rainstorms or bypassing certain inlet grades. There are a lot of things that can be done but will cost a lot of money. These properties where the complaints are focused are at the furthest downhill points of the subdivision, and as expected, are the properties receiving the brunt of the subdivision runoff. Problems there will be exacerbated as they're low lying. Generally, the properties are staying dry, but it's more of an issue of stones running off the road or water running through a yard instead of a channel. It's going to come down to if the Township would want to expend significant amounts of money to correct some drainage issues in the area. In terms of the capital improvements, it was looked at as a lower priority in the sense that it would be a significant expenditure to improve but maybe not as significant a problem as are occurring elsewhere in the Township. They're going to try to make some improvements, but there isn't a lot that can be done with others right now.

Pool Road

Mr. Hoffman received a couple complaints about Pool Road off Pheasant Drive (SR 248). People are still making the illegal left hand turn from Pheasant Drive onto Pool Road at an excessive speed. He is looking into making Pool Road a one-way road from the church driveway to Pheasant Drive to eliminate this problem. Ms. Jennifer Weidner and her husband live at the point of Pheasant Drive and Pool Road for approximately 23 years. When they moved in, the top of Pool Road was basically a one lane stone, overgrown road. There were fields instead of a church. She isn't complaining about an issue from when they moved in. In 2007, the Concordia Lutheran Church purchased 3285 Pheasant Drive. Their driveway comes out to Pool Road based on studies. They had to then develop Pool Road. She believes road studies were performed by the Township and PennDOT. As a result, the speed limit was posted at 25 mph, and the top of Pool Road has turning restrictions. No turning left from Pool Road onto Pheasant,

and no left turns from Pheasant onto Pool Road. Pool Road was widened to two lanes and paved the length of the church property. Since this has occurred, there has been problems with traffic turning left from Pheasant Drive onto Pool Road at high speeds. It was especially an issue when the church had school every day noting the bus drivers turned left. It remains an issue on Sundays and any time there is an event at the church. It is also an issue with traffic, mainly neighbors, heading to Beersville. She doesn't care if they're doing an illegal left-hand turn. They're concerned it's being done recklessly and at high speeds, and they're concerned for the safety of their family and pets. They live on SR 248, but they live and do everything on the backside of the house. She submitted emails and videos over the years, and Chief West is aware of the issue. She is asking they consider making Pool Road a one way from the church driveway out to Pheasant. People may not obey the signs, and she understands PennDOT may need to do their studies again. She's asking they look at it again to see what can be done about it. Attorney Backenstoe asked confirmation she said school buses are making the illegal turn, and she confirmed. She said their mailbox is on the alley, and the pastor almost hit her a few times driving up and down. It's an issue but seems to be more so when they're driving down from SR 248. More speed limit signs were up, and they're going to reinstall the "Watch Children" signs, on Pool Road, but it's becoming more of an issue. Mr. Darin Weidner said there's been four accidents since they redid Pool Road. Two people hit a rock in their front yard. People are losing control and driving into the yard. Today, he came across SR 248 heading west and took notice from time you notice someone stopping to turn left on Pool Road to the time they get to the spot they would stop, it's less than a tenth of a mile. If anybody is familiar with driving a truck, if there's any weight on the truck they're not stopping. He's concerned somebody is going to be killed trying to make a left hand turn there. There were several occasions where he stopped people making the illegal turn, asked if they saw the sign saying they're not supposed to make the turn, and they didn't see the sign. If there are two signs on either side of the road, red signs that say do not enter one way, it would alleviate a lot of problems and probably save somebody's life. Mr. Jeffrey Ayers said when the church was before him on the Zoning Hearing Board (ZHB), they recommended Pool Road from the church driveway to SR 248 be made one way. A couple years later, he asked the supervisors to do the same. This is the third time, and he doesn't know if they have to wait until somebody gets killed. He reiterated this is what was recommended when the church went in and when they had issues a couple years ago, he recommended to make it one way then. Because of the cost of the traffic study and deeming the road one way or closed off from SR 248 to the church, they didn't want to do anything. He thinks something needs to be done. Mr. Weidner said it doesn't matter how much it costs as long as it saves somebody's life. Mr. Piorkowski said he's seen a lot of roads where there are barriers to not make a left-hand turn. He asked Mr. Horvath if it's a PennDOT issue to put barriers to keep them from driving down there in addition to signage. He also asked if it's a two way, and they can't come in that way, why would it be a two way. Mr. Horvath is familiar with the intersection and there are physical guides, median islands, porkchops, that can be put in place to prevent certain turning maneuvers. It would be something PennDOT would have to look at. He knows they don't prefer those types of devices because they get run or plowed over, issues where they're supposed to be in place for safety purposes but end up causing another safety concern. They're not the preferred means of controlling traffic but are implemented in certain situations. One of the issues raised was stopping sight distance where if you're coming down a hill at an intersection there should be a certain distance to see a stopped vehicle making a turn and that distance would be based on the road grade and posted speed on the road. These factors come into play in addition to other considerations noting posting traffic one way is going to cause traffic to go somewhere else. As far as what it would cost, he couldn't tell them. He could put an estimate together to potentially have that road approved by PennDOT as one way and possible ramifications that may arise as a result of doing that. Attorney Backenstoe thinks it would be appropriate to put the cost together based on concerns heard. Mr. Gable said when it came to the Planning Commission, there was a concern making the road one way noting Pastor Malec was opposed. He didn't think there was anything in the building now. Mr. Harhart believes they still hold church services. Ms.

Weidner said they do have events. Mr. Gable thought the church services were done and was closed. The traffic should be minimal other than traffic from people living on the other end of Pool Road. If they make it one way out, they can drive onto Beersville and come up Pool Road. He doesn't see a reason why it couldn't be made one way noting there's a lot less traffic now than there was previously when everyone was coming out of the church to get onto SR 248.

Mr. Gable made a motion to put together a study to make Pool Road one way to SR 248

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable said they're still getting brush and will shortly start getting leaves. The grinder has been down almost two months with a broken belt. The belt has been ordered with a delivery of approximately December 13. They found a way to fix things until the belt comes because they need to start grinding or leaves will be a problem. No more grass is allowed noting the Township already didn't take grass, and the FRCA will no longer take grass from October 1 to April 15. It will then be reassessed. Brush, tree brush, and leaves are accepted.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Piorkowski said they discussed a letter that Lower Nazareth sent to state officials similar to Plainfield and other townships. They're going to ask Attorney Backenstoe to put together a letter concerning class two townships being given more power to implement different things regarding development. They also discussed the animal control officer noting Moore does not participate in the program. He did raise the concern they're having affairs that isn't allowed. There was a motorcycle accident that occurred because of the number of people there. He also brought up the problems with NIXLE service and will probably consider other options when the contract renews. Moore is one of the biggest players, so it would change the price for anybody who stays. After speaking to Township Manager, he doesn't think they're receiving the service the Township is paying for. Mr. Gable asked Mr. Ayers regarding Pibbles n Paws, there's nothing about the big meet and greets for pets. They line the whole parking lot and both sides of SR 248 and the triangle of S. Cottonwood. Mr. Ayers said it was only to be used for office space. Mr. Gable said it says pets can be brought to meet a family. There were pictures online with approximately forty or fifty pets, and people meet and greet these pets. He doesn't think it should be allowed. PennDOT didn't want anybody making a left turn when the cabinet shop was located there. Mr. Ayers would need to read the minutes, but he recalls she indicated it would be gathering of a family not a large event. Mr. Gable said he's seen parking wrapped around the building. Mr. Ayers said that wasn't the intent. It was intended to be for office space or if somebody is interested in adopting a pet they could stop there. No animals would be staying there, and there would be no large events. Mr. Gable said it's a large event. Mr. Ayers would need to read the minutes and decisions noting when Mr. Caffrey writes a decision, it reads as described in the testimony given before. He can review it for him, but the intent was office space only and if somebody would want to come there, they would make an appointment to meet a dog. If they found a dog compatible for a family, they would adopt it. There were to be no large events. Mr. Piorkowski said the COG agreed with that and planned to speak with the owner. Mr. Ayers said he would have to read the decision noting people had issue with size of the property and limited parking. The owner was told they would need to get a PennDOT Highway Occupancy Permit (HOP), and she's violating that if she has big events because that was the biggest issue with the property. They couldn't hold more than three cars in the parking lot, and they couldn't get an HOP. A lot of their decisions are tied with PennDOT's HOP, and they couldn't get anything more than a car or two because they couldn't access the backside of the

building. Attorney Backenstoe said Mr. Harhart called him and sent a copy of the decision. He would like if Mr. Ayers could pull the actual transcript but said the decision indicates it was a two-night process. They originally came in as a pet shop and based on input from the ZHB, had to come back a second night. They met again indicating they lost their funding and couldn't be a pet shop. In lieu of the pet shop, the proposed use was as an office space and a meet and greet area noting a dog would be brought to the facility to meet a prospective family. It doesn't define further, but it's pretty clear a dog, not multiple dogs. He asked Mr. Harhart to contact her to stop and if not, Attorney Backenstoe thinks he has the authority to issue a citation. Ms. Weidner asked if they're housing the dogs there. Mr. Gable doesn't think they're being housed there, but he doesn't know where they're at. Ms. Weidner said they used to be housed at their house but doesn't think they're there anymore. Mr. Ayers said that was a distinct order of the ZHB to not house dogs there. Mr. Piorkowski said they put them into adoption not foster houses until they have that one meeting. Mr. Ayers will ask Mr. Harhart to pull the file.

Mr. Shaffer asked Attorney Backenstoe if he could draft a letter concerning the Municipalities Planning Code with assistance from Mr. Harhart, and he said absolutely.

Mr. Shaffer made a motion to have Attorney Backenstoe and Mr. Harhart draft a letter regarding the Municipalities Planning Code update

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

RECREATION COMMISSION

Football Lights

Mr. Mike Tirrell said there's about five or six lights in the banks of the football lights that are out. Mr. Hoffman, Mr. Tirrell, and a few others have been looking for options to change the lights. Finding a lift has been a challenge. They can rent one for about \$1,500. He cannot see spending \$1,500 to change six lights. Another option if they rent the lift is to replace all the lights. They could also look into grants next year to convert the lights to LEDs. He's looking for guidance from the Board on how to proceed. Mr. Shaffer said Asplin Trees has been parking in the lot. He can talk to Asplin to see if they'll bring in one of their bucket trucks. They have 70 ft trucks, if not more. Mr. Tirrell said it needs to be at least 70 ft. If that's an option, they can just change the six lights. Mr. Shaffer will reach out to them. Mr. Piorkowski thinks long term they should look at a grant to replace with LEDs noting they're sodium vapors which are on the decline. He asked if it is being used as a competitive field. Mr. Tirrell said it is noting they'll use it for Garcia Cup and last year they had a couple games.

Mr. Tirrell also said the volleyball net was delivered and just needs to be set up.

HISTORICAL COMMISSION

Mr. Gable said they have their Oktoberfest on Thursday of the upcoming week. Money goes towards restoration of the school and purchase of historical signs.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Mr. Bob Romano said they held their annual land preservation open house in September. Dawn Gorham did a nice presentation with about fifteen property owners in attendance. They picked up about five applications for possible preservation. All in all it went well. He thanked Mr. Hoffman for the screen to present a PowerPoint. They weren't able to do the open house in 2020, so they were excited to do it again.

COMMUNITY DAYS COMMITTEE

Mr. Tirrell said they're holding Sportman Bingo the next night at the firehouse. Trunk or Treat is October 23 at the football field. Community Days was a success, and they'll have a tool and toy bingo after the sportsman bingo.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his report for the month of September. He was in contact with Attorney Backenstoe regarding the ZHB decision previously discussed and provided a copy of the decision. He tried getting in contact with the owner of Pibbles n Paws three different times leaving long, detailed messages, but he hasn't heard anything. If they don't hear anything by the end of the week, they'll need to send a certified letter to start the violation process. He will also pull out the information with Mr. Ayers.

TOWNSHIP ENGINEER

Schiavone Farm Sediment Erosion Project

Mr. Horvath said the project is underway noting the lower swale or channel is graded in and should be stabilized shortly. They're beginning work that follows the old tree row. During some of the work, there was discovery of a spring or underground seep that follows the channel. The conservation district personnel that designed the project is concerned the spring will maintain a wet, saturated condition in the channel preventing the farmer from driving his equipment through it without wrecking the channel. He'd like to install underground drainage pipe to keep the water underground rather than saturating the soil. Unfortunately, they'll need a change order hoping to keep it to a reasonable cost. They haven't received the information yet. Within the next two weeks, they expect it to be fully stabilized and finished.

Klecknersville Substation

Mr. Horvath looked into the plan to build a substation around Klecknersville by First Energy and engineering firm WSP. The engineer of record provided a detailed explanation of what's going on, and they are proposing a building on the property to house equipment. There's some potential to design changes for reasons beyond his understanding as there are forces driving a redesign of the project. It would still look the same as far as the footprint of the stoned area, but the equipment on site might change. To confirm, since he understands the presence of a building could trigger a difference in review by the Township, there is going to be an unoccupied building. The engineer gave him contact information for First Energy's public liaison and can provide that information to the Board for any future follow up requests. Attorney Backenstoe asked if Mr. Horvath could give him a call to discuss the plan. From his perspective, he doesn't think it matters if it's a building housing electrical or office space. Based on that, he thinks it might trigger the certificate of convenience from the PUC. He would like to discuss, review plans, and send letter noting our understanding is they will have a building and would like them to go through the process in Harrisburg.

TOWNSHIP SOLICITOR

Attorney Backenstoe said the PennEast Pipeline withdrew all their petitions and applications to install the pipeline. He knows people in the area and region were upset by the profound impact it could have on the community noting there wasn't much that could be done since it involved a federal taking and the federal government ruled they had authority to do so. As he understands it, the New Jersey entity in charge of issuing permits key to the success of the pipeline refused to issue the permits because they felt the negative impact would overwhelm the positives. As a result, PennEast withdrew the pipeline. It doesn't mean it won't come back, but for now it stopped.

Attorney Backenstoe wrote a letter to Senator Scavello and Representative Flood regarding Act 43 of 2017 which is the fireworks ordinance giving extraordinary power to residents to buy powerful consumer fireworks but doesn't give townships much authority to regulate them. They can't shot be within 150 feet of a building and can't be on a property without permission of the owner, but it's almost impossible for police to enforce. The letter is for the legislature to consider legislation giving townships, boroughs, and cities much broader rights to regulate fireworks within the community. He thinks he read there is legislation giving more municipalities the ability to regulate fireworks circulating.

Attorney Backenstoe said there was an individual, Keith Martin, who did not pay escrow fees. He spoke to engineer Ken Hahn to see if he can make the payment, and Mr. Martin made the payment.

TOWNSHIP MANAGER

Susquehanna Municipal Trust Grant

Mr. Steiner said Susquehanna Municipal Trust (SMT), the Township's workers compensation provider, provides a small \$1,000 matching grant. The Township was approved to purchase an AED for the Recreation Center.

Budget Workshop Meeting

Mr. Steiner would like to schedule a budget workshop meeting on October 27 at 5 pm at the municipal building to discuss the 2022 budget. The Board agreed, and Mr. Steiner will advertise.

Appointed Auditor

Mr. Steiner explained the Township has elected auditors, but they have the ability to appoint a CPA as their auditor. One of the three auditors who does a lot of the work and puts the report together chose not to run for reelection, and there is concern going forward with how the reports will be prepared. There are also thoughts they should have a certified public accountant reviewing the books. He understands the Board would have to approve him putting out a request for proposal (RFP) to find anybody interested in providing the service. Once they receive the proposals, he would advertise a CPA would be appointed at the re-organization meeting in January. He is looking for approval to put out the RFP noting he will use the PennBid system. In December, he would then advertise to select an auditor in January.

Mr. Shaffer made a motion to authorize the Township Manager to issue a RFP for an appointed a Township auditor

Mr. Gable seconded the motion

Public comment

Mr. Tirrell asked if the Board of Auditors would go away. Attorney Backenstoe said the board is still there, but he doesn't know how many auditors they have. Mr. Steiner said someone submitted an ethics form to run as a third party for auditor this year. From what he understands, the Board would still exist but are stripped of this responsibility. Attorney Backenstoe said they're authorized to sit in on the audit noting a lot of townships entered into this due to lacking interested individuals for the position. A lot of townships appoint a professional accounting firm to do their audits. Mr. Piorkowski said their duties were to set pay scales for supervisors. Attorney Backenstoe said they would still have that authority while having a professional auditing firm do the audit. In the event a supervisor was to be a working supervisor, the Second Class Township Code doesn't allow supervisors to set themselves a pay scale. The elected auditors would be in charge of that process.

Motion carried with all Supervisors present voting aye

RESOLUTIONS & ORDINANCES

Ordinance 2021-5 W. Dell Road Truck Restriction

Ordinance 2021-5 is a prohibition of trucks on W. Dell Road between Copella Road and Moorestown Drive (SR 512). The Board had concerns or received complaints and asked the Township engineer to do a study to determine if it was appropriate to restrict truck traffic on W. Dell Road. The Township engineer in their study dated July 2, 2021 did find it appropriate to prohibit truck traffic on this stretch of road. Attorney Backenstoe prepared an ordinance which restricts the operation of truck, except for local deliveries or emergency service vehicles and school buses, on W. Dell Road between Copella Rd and Moorestown Dr. It cites the Second Class Township Code authorizing the Board to adopt the ordinance, the PennDOT publications and appropriate sections followed in preparing the study, and makes it unlawful for person to drive a vehicle other than a passenger car on W. Dell Road between Copella Rd and Moorestown Dr while noting the exceptions. The ordinance and prohibition would be confirmed by appropriate traffic control devices. Police could issue fines to violators of the ordinance.

Mr. Gable made a motion to adopt Ordinance 2021-5 limiting truck traffic on W. Dell Road between Copella Road and Moorestown Drive

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Ordinance 2021-6 Trapper Road Vacation

Attorney Backenstoe explained the Public Works Director, Mr. Hoffman, indicated Trapper Road was a problem noting it's dirt, grass, and gravel. Some parts were not passable for his vehicle noting some of the employees told him he should only drive so far before turning around and entering the other side. Considering the costs, the Board determined it may be in the Township's best interest to vacate the road. In the event a township wants to vacate a road, there's a process established in the Second Class Township Code that requires them to hold a hearing. This has been publicly advertised as a hearing, and Mr. Ted Rewak is present serving as a stenographer. Prior to convening the hearing, contiguous property owners must receive ten day written notice. He is going to make a record regarding the notice, the agreement in place regarding Trapper Road, and he's going to hear from the Public Works Director and Township Manager. They can then hear from the Board of Supervisors and residents providing testimony or evidence. Once the hearing is closed, the Board can decide if they'd like to vacate or not vacate Trapper Road, or they could delay the decision to another meeting. Anybody aggrieved and feeling the Board's action is inappropriate has a right to appeal to the Court of Common Pleas. The party would have to provide a surety bond, and the court would appoint a board of you. They would appoint three people who would have a new hearing, the Board would present their case, and the public would present their case. The board would then decide whether or not the road should be vacated. Once that process is done, if somebody still feels aggrieved, they can file an appeal and ask for damages. Attorney Backenstoe asked Mr. Steiner confirmation the residents were notified, and Mr. Steiner confirmed first class and certified letters were sent. The letters were entered into the record. Attorney Backenstoe also entered in the record an agreement from June 2, 1981 between then property owners and the Township recognizing Trapper Road was ordained, nobody could really figure out the location, and the parties agreed the actual location of Trapper Road is as indicated on the map. The problem is it's a handwritten drawing on a tax map, but nonetheless, it was recognized as a Township road by the Township. Mr. Rewak swore in anybody who planned to testify during the hearing. When he first started, Mr. Hoffman looked at options for Trapper Road. There's currently no identification of the road. He described the condition as a path through a field on one end, and it appears as someone's driveway from Becker Road. The road runs from Allen Drive to Becker Road for about a half mile, give or take. He described the condition of the road as dirt, gravel, and grass. Pictures were entered into the record and described by Mr. Hoffman. Attorney Backenstoe asked if he thinks there would be issues entering and exiting at Allen Dr.

Mr. Hoffman thinks there's a site distance problem turning left onto Allen Drive from Trapper Road. Attorney Backenstoe asked if the public uses the road, and Mr. Hoffman said not to his knowledge. He also asked for the exact location, and Mr. Hoffman said the Township does not know the exact location other than the dirt path. Attorney Backenstoe asked if it is safe for a passenger vehicle to drive during heavy rain or snow, and Mr. Hoffman isn't comfortable sending anyone down this road. Attorney Backenstoe asked if this road is necessary for emergency services, and Mr. Hoffman said no. He asked if contiguous neighbors have access to Allen or Becker, and Mr. Hoffman said yes. Mr. Hoffman said the Township does not maintain or snowplow or salt the road when asked by Attorney Backenstoe. Attorney Backenstoe asked if Liquid Fuels money is received for the road, and Mr. Hoffman said yes, around \$1,500. Attorney Backenstoe asked if the manager emailed PennDOT and received an answer that it is around \$1,500, and Mr. Hoffman said yes. When asked, he said it not anywhere near enough to maintain the road. Attorney Backenstoe asked how much it would cost to grade, stone, and chip. Mr. Hoffman said to grade, level, stone, and chip would be about \$250,000. Attorney Backenstoe asked what it would cost to pave. Mr. Hoffman said to SALDO, they're looking at \$400,000 to \$500,000. Mr. Hoffman said he does not have those kinds of funds in the budget. Mr. Gable asked about a picture of the road near a resident's driveway and whether or not they would need to take part of the driveway to widen the road to specs. Mr. Hoffman said the problem is not knowing the exact location of the road makes it difficult to know. Mr. Gable asked for the width of a Township road, and Mr. Hoffman said 28 ft for a local road. Mr. James Becker of Love Road said if they got \$1,500 a year, what did the township do the last fifty, sixty years. Mr. Hoffman cannot answer it since he's been there nine months. Mr. Becker said they replaced pipes in 1980 or 1981, and he asked if they didn't do anything to the road what did they do with the money. Attorney Backenstoe said he thinks it goes into a general fund, and Mr. Becker said they never spent it on Trapper.

Attorney Backenstoe asked Mr. Steiner if he agrees to the condition of the road as described by Mr. Hoffman, and he answered in the affirmative. He was asked if it was a viable or safe road, and Mr. Steiner said no. Mr. Steiner isn't sure if anybody in the public uses it. He was asked if it is needed for emergency purposes, and Mr. Steiner doesn't think so. Attorney Backenstoe asked if the Township has the funds mentioned earlier to create the road. Mr. Steiner said no, this year the Township received approximately \$470,000 in total Liquid Fuels funds which are dedicated toward road projects, salt and cinder, and equipment repairs. Attorney Backenstoe asked if they get roughly \$1,500, does it get placed in the general fund for roads. Mr. Steiner said it is placed into a separate State Fund because the state provides for specific uses of those funds. PennDOT is estimating about \$3,000 per mile next year. Attorney Backenstoe asked confirmation the way Liquid Fuels is distributed is based on miles, and Mr. Steiner said that is correct. Attorney Backenstoe asked him if he contacted PennDOT for overall Liquid Fuels. Mr. Steiner asked for the amount per mile and broke it down to a half mile. He noted this is an estimate for 2022.

Ms. Joane Howard said she lived on Allen Drive since 2002. She described the mud created from using the road near Allen Drive. She said the brush grew up, and then the Township removed the brush. She doesn't have a problem with farming, but if someone comes through the road and is in a hurry, it creates puddles. She has to come out everyday and look at the state of the road. She gets nervous pulling out. Attorney Backenstoe asked if there was more foliage and now it's cut down. Ms. Howard confirmed. Attorney Backenstoe asked if she liked it more grown up than the way it is now. She said yes, noting the tree line grew up. UPS trucks go up and down, and then they use their driveway instead of the road. They also use the driveway then turn around not knowing it wasn't the road.

Mr. Mark Kratzer of Allen Drive confirmed Ms. Howard's account noting Amazon, UPS, FedEx, and a lot of unrecognizable cars are now trying to use the road. The only people he knew of who used the road

was the Beckers for farming which was fine with them and him. He doesn't have a concern vacating the road, but he wants to know what happens after the road is vacated as people are still going to drive it. He asked if the Township will put up do not enter signs or if it's up to them. He also asked who the property would belong to as he doesn't want anymore land or taxes. This is a concern he has with regard to vacating the road. He also asked if it would be marked out not knowing where exactly the road is. Attorney Backenstoe said if the road is vacated, under the Pennsylvania road law, the ownership of the road divests by default to people contiguous to the road. In other words, assuming this road runs east and west, the sides would be north and south. The person owning the property south would own up to the center line from the south, and the person owning the northern property would own up to the center line. Mr. Kratzer asked if that means they're going to reassess the property for taxes. Attorney Backenstoe said it's not his department, but he doubts it. Mr. Kratzer asked how he's supposed to know his property line if he goes to sell his property without spending money to have someone survey. Attorney Backenstoe said as a practical matter, they don't have to do anything. They can let it go. Mr. Kratzer is concerned people will continue to use it. There's got to be a way to stop them whether it's a gate or sign. Attorney Backenstoe said they would be permitted to do that on their property as it's private property. Mr. Kratzer asked if that would only be for half the road. Attorney Backenstoe said Mr. Kratzer would own it from middle of the road and the other owner would own the other half. Mr. Kratzer sees it as a problem if someone down the road sells the property, and the new owners want to know where the property line is located. Attorney Backenstoe said at some point someone would need to do a survey. Mr. Kratzer said the road never really existed, so they're going to survey where the properties are. Attorney Backenstoe's only experience was with someone who wanted to vacate the road, and they tried to take title to record and they don't have that issue. Some townships will do it, and some won't. Mr. Kratzer said he doesn't think the Township knows where the quick deed would go to, and Attorney Backenstoe said they wouldn't. Unless they had a survey done, nobody would know where exactly it runs. By operation of law, they would own to the center line whether they want to or not. Mr. Kratzer just sees it being a problem down the road.

Mr. Ayers drove truck for years and noted people use tools like Google maps which identifies Trapper Road which is why they're using Trapper Road. He's been caught driving truck following GPS. He said if they vacate the road, someone should notify Google. Attorney Backenstoe said the township engineer would be instructed to take it off the official road map, and it would be filed with the court of sessions with the county to remove it from the record.

Ms. Rose Wedde asked clarification they want to close the entire road from Becker Road to Allen Drive. They are not opposed to vacating the whole road. Mr. Gable thought they would make the short distance from Becker Road in front of the house remain, but if they want to vacate the whole road that's great. Ms. Wedde said the boys are not opposed to vacating the whole road. Even though the road is vacated, because they have been using it for farming practices, they still have an easement to go across the road with farm equipment. Attorney Backenstoe believes that is correct under the law, they have a private easement. As the Township solicitor, he wouldn't make a legal representation, but it is his understanding they would still have a legal easement because they've been using it over 21 years. Ms. Wedde said it's been over fifty years noting her parents were there for almost 60 years if not longer. Attorney Backenstoe said the Township cannot warrant that, but he would generally agree with the legal premise. Ms. Wedde has a copy of a subdivision plan that divides two lots of the neighbors on Allen Drive. On the subdivision, it depicts Trapper Road so they do have coordinates for that section. This was recorded at the Township. It should help the portion that adjoins the neighboring property owners, but the southern portion has been owned by her parents for at least sixty years. She said they'd have to do an exact survey to know where the road and properties lie. Ms. Wedde reiterated they're not opposed to vacating the road, they just wanted some clarifications.

Mr. Kratzer said since they mentioned the \$1,500 per year received and Mr. Becker asked how it was spent, he asked if they do decide to vacate if they could put up some signage whether it's the Township responsibility or theirs. With the money they have and haven't been using for thirty or fifty years, it would be nice to put up some signs. Attorney Backenstoe said they have been using the funds just on other Township roads. Mr. Kratzer said they haven't been using it on this road. He doesn't know how much signage costs and would rather not pay for it himself but will if he must. It would be nice for the Township to do that for them.

Mr. Steiner asked clarification all the property owners along Trapper Road would have private access to the length of the road. The other property owners couldn't place barriers preventing the Weddes from driving through. He also asked if the Township would need to put up red, private street signs as Trapper Road. Attorney Backenstoe doesn't want to act as attorney for any of the private property owners so when answering his question, he's answering as solicitor of the Township. He believes there would be private access and parties would have an easement. If the parties would want to contest it, they could. He thinks it would be successful in court confirming they had an easement because they had access for more than 21 years. He thinks if the property owners ask to put up a sign for private road, they could. He doesn't know if the Township has to do that. The Township is vacating it and road no longer exists. If property owners would appreciate considering it a private road and put up a red sign, they could do that. Mr. Gable asked if it was vacated, would it be considered a farm lane. If private road signs are put up, people are going to use it. He thinks it's better if it's just a farm lane they use, and they put up no trespassing signs. Mr. Kratzer said as long as Google exists, people are going to use it. Mr. Gable said if it's a private road, they're going to use it anyway. He thinks it's a good idea to keep it a farm lane. Ms. Wedde said Google just went through with a vehicle. Attorney Backenstoe said that would be up to the Board.

Mr. Becker asked about putting down a couple loads of stone on the road next to the Howards' house where the mud is and leaving the road the way it is. The Township gets the money and would be just \$1,500 to help with the mud. Mr. Ayers said what he's hearing is it's outsiders from Allen Rd. If they don't vacate it, it will still show up on Google and will have traffic. If they vacate it, the easement still exists. They can continue using it, but the outsiders won't be using it. The record was then closed on the hearing.

Mr. Shaffer made a motion to adopt Ordinance 2021-6 Trapper Road Vacation

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS

Schiavone Park Pond Improvements

No updates.

NEW BUSINESS

Farm Leases

The Schiavone property is still being worked on with the current lease ending March 31, 2022. They should have the project done within the next month and assumes they'd be interested in putting the property out for sale. The only property to be put out for lease is the municipal property that is 4.5 to 5 acres. Mr. Steiner is asking to advertise it for bid opening at next meeting.

Mr. Shaffer made a motion to advertise the municipal property for farm lease next month

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Seip Property Appraisal

Mr. Shaffer said the Seip property is off SR 946 and S. Oaks. He thinks it goes to Glase. There is an auction on Saturday, November 13. It is 57 acres of two parcels. He thinks it would be a good idea to get an appraisal to purchase at auction since it is on SR 946 and Jaindl is across the road. The property would then be preserved.

Mr. Gable made a motion to get an appraisal on the Seip property

Mr. Piorkowski seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Chapman Borough Police and Snowplow Services

Mr. Steiner said they have a three-year agreement with Chapman to provide snowplow and police services. The contract is up at the end of this year. Chapman currently pays the Township \$10,000 for police services, \$500 for fire and EMS insurance, and \$5,000 for snowplow services. They need pricing for another three-year contract. Applying personnel increases and thinking about insurance increases, he has it going up \$600 each year to \$10,600 for police services, and about \$300 for snowplow services. The fire and EMS insurance decreased the prior year due to an issue with the formula, so he kept it at \$500. They would have to enter into a multi-municipal agreement and pass via ordinance. Once they have an amount, they will draft an agreement, advertise, and pass an ordinance.

Mr. Gable made a motion to approve the increase to \$10,600 for police, \$5,300 for snowplowing, and \$500 for insurance each year for a three-year period

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

CORRESPONDENCE/MEMOS

Mr. Piorkowski said Meals on Wheels is applying for a grant, and they'd like a letter of support. Attorney Backenstoe said they don't need a motion and asked Mr. Steiner to draft a letter.

OPEN TO THE FLOOR

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:57 PM

Mr. Gable 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.