

## BOARD OF SUPERVISORS

A special meeting of the Board of Supervisors of Upper Macungie Township was held on June 14, 2018, at 9:06 PM, in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Those present were Chairman, James M. Brunell; Vice-Chairman, John P. "Sean" Gill; Supervisor, Kathy A. Rader; Director of Community Development, Daren Martocci; Solicitor, Andrew V. Schantz, Esq.; Township Manager, Robert R. Ibach.

Chairman James M. Brunell opened the meeting and asked all present to join him in the Pledge of Allegiance to the flag of the United States of America.

The purpose of this meeting is to consider and, if appropriate, advertise the Agritourism/Agritainment Ordinance for adoption at the July 5, 2018 meeting, and any other matters that may come before the Board of Supervisors.

### MOTIONS

**Advertise the Agritourism/Agritainment Ordinance for adoption at the July 5, 2018 meeting -** Supervisor Gill does not feel the motion is ready for approval and that resident concerns with the screaming from the haunted orchard needs to be addressed. Supervisor Rader agrees. Chairman Brunell opened the motion for discussion amongst the Supervisors and public.

#### Public Discussion

**Joshua Grim** (Grim's Orchard & Family Farm) - stated that the haunted orchard is 72' from the property line and he would not have a problem meeting the new 100' set-back.

**Supervisor Rader** questioned the use of the fog machines and if it was possible to control the fog from drifting from the Grim property. Mr. Grim stated he tried different options and there were too many variables to control the fog. Mr. Grim also stated the last time the fog machine was used was with a special event permit in 2016 and only for the first two weekends. The machine has not been used since that time.

**Peg Konnick** (10543 Schantz Rd) - agreed with the fog machine timeline

**Supervisor Gill** - questioned if the propane cannons are a big issue and Chuck Deprill, Planning Commission Chairman, stated the Planning Commission heard a lot of concerns with the cannons.

**Kim Snelling** (Planning Commission Member) - spoke regarding the Planning Commission's feeling that the rules of the Right to Farm Act were not fully communicated to the public and the influence the Act has on the language of this ordinance.

**Chairman Brunell** stated his concerns with the noise from the haunted orchard and if he lived nearby would be troubled with the noise. When asked by the Board if Mr. Grim could make the 300' set-back work, Mr. Grim stated that he could make it work and would be willing to move the attraction.

**Mr. Grim** - asked if the cannons could be allowed if the target was not made of metal. He is thinking of using concrete or rocks as a target, adding suppressors to the cannons and looking at



repositioning the direction of the muzzles. Solicitor Schantz discussed the Municipal Planning Commission requirements if the Board voted to amend the ordinance. Supervisor Gill appreciated Mr. Grim's comments and believes the ordinance should have adjustments made prior to approving and requests the Board schedule another meeting to discuss. Mr. Grim needs time to make his arrangements and was concerned with the timing. Chairman Brunell also had concerns with the timing since the fall season is drawing near. Solicitor Schantz stated in order to comply with advertising guidelines the new public hearing could be held at the scheduled July 5, 2018 Board of Supervisor's meeting, but it was recommended to be held on July 12, 2018 at 6:30 PM at the Upper Macungie Township Municipal Building.

***Make modifications to Agritourism/Agritainment Ordinance*** – after discussion, Chairman Brunell made a motion, seconded by VC Gill and unanimous to authorize staff to make two modifications to the proposed Agritourism/Agritainment Ordinance; moving the setback requirement of haunted activities from 100 feet to 300 feet from the property line and to allow air/propane cannons, with noise suppressors, shooting projectiles to a non-metallic target.

***Advertise and schedule a public hearing for the Agritourism/Agritainment Ordinance*** - Chairman Brunell made a motion, seconded by VC Gill and unanimous to authorize staff to advertise and schedule a public hearing for the proposed Agritourism/Agritainment Ordinance for July 12, 2018, at 6:30 PM located at the Upper Macungie Township Building.

***Notification of new hearing date*** – after discussion, Supervisor Rader made a motion, seconded by Chairman Brunell and unanimous to direct staff to notify all persons giving comments at the June 14, 2018 hearing of the new hearing date.

***Send Agritourism/Agritainment ordinance to Planning Commission*** - Supervisor Rader made a motion, seconded by Chairman Brunell and unanimous to have the updated proposed Agritourism/Agritainment Ordinance be sent to the Planning Commission at their next scheduled meeting on June 20, 2018.

#### PUBLIC COMMENTS

**Mr. Grim** - informed the Board he is working on the site's NPDES permit. Attorney Susan Buckman, representing Mr. Grim, wanted to provide evidence of the activities at the site to be considered grandfathered and it was agreed that the list of activities on the Grim's website would be sufficient. Chairman Brunell requested that Mr. Grim communicate with Daren Martocci, Director of Community Development, prior to any changes that may arise in the future.

**Authorize purchase of a used Toro 580 Groundsmaster mower** - At the recommendation of Manager Ibach, Supervisor Rader made a motion, seconded by VC Gill and unanimous to authorize Scott Faust, Director of Public Works, to purchase a used Toro 580 Groundsmaster 16-foot wide mower at a cost not to exceed \$25,000.00

There being no other business, upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, the meeting is adjourned at 9:18 PM.

*Cindy Yaskowski*

Cindy Yaskowski, Assistant Township Secretary

