

## Dale Beaver

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**From:** Dale Beaver <daleb@pa.net>  
**Sent:** Tuesday, September 5, 2023 2:03 PM  
**To:** Nancy Cangioli - Howe Township Office ; Charles W. (Chuck) Burd; Kathryn Donahey  
**Subject:** Weller Dirt Bike/Motocross Track Documentation - Part 1  
**Importance:** High

Nancy, Chuck and Kathy,

There are actually 2 emails that I was referencing last night regarding the documentation that we have been requested to include in the September 7 BOS meeting minutes. Here is the first one. Again, this should be included in the Minutes so that it is officially on the record. Thanks.

P.S. Nancy – Please print a hard copy of both emails that I am forwarding today. It will serve as an addendum to the regular monthly minutes that you have prepared. Thanks.

Dale

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**From:** Dave A. Jones <djones@stockandleader.com>  
**Sent:** Monday, August 7, 2023 8:20 AM  
**To:** Dale Beaver <daleb@pa.net>  
**Cc:** Kathryn Donahey <kathyd@pa.net>; Charles W. (Chuck) Burd <chuckb@pa.net>  
**Subject:** RE: Weller Dirt Bike/Motocross Track

Dale,

My wife and I were celebrating our wedding anniversary yesterday, which included keeping my phone use to a minimum.

With regard to liability for yesterday's event, the Township did not have liability. As you note, Rt. 34 is a state road, so it is up to PennDot and the PSP to regulate the use of the road. Given its proximity to the PSP station, I would be surprised that one or more PSP officers were aware of the event. Further, Eric might have contacted the local PennDot District office to advise them that the event would be taking place. As the public works Supervisor, you would be well within your rights to report the event and use of Rt. 34 to both the District office and the PSP, indicating the Township's concern and the lack of notice to the Township to see what they have to say.

With regard to Zoning, I would advise Mackenzie that the event took place. She can follow up on it with Eric and can do some Internet snooping to see if it was advertised as a commercial event and if there are future events planned. She can do her due diligence as the zoning officer. If she finds information indicating that the Weller's have turned it into a commercial endeavor, we can proceed accordingly.

I would recommend that you document that the event occurred without notice, as well as any follow up, in the meeting minutes in September so that they are on the record.

Dave

David A. Jones, II, Esquire

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**From:** Dale Beaver [<mailto:daleb@pa.net>]

**Sent:** Sunday, August 6, 2023 1:08 PM

**To:** Dave A. Jones <[djones@stockandleader.com](mailto:djones@stockandleader.com)>

**Cc:** Kathryn Donahey <[kathyd@pa.net](mailto:kathyd@pa.net)>; Charles W. (Chuck) Burd <[chuckb@pa.net](mailto:chuckb@pa.net)>

**Subject:** Weller Dirt Bike/Motocross Track

**Importance:** High

Dave,

This is not a new issue and you have been made aware of this in the past. It is now a high propriety problem.

This weekend Eric Weller is apparently holding an event at the dirt bike track across from his home on Rt. 34. Anecdotally, based on just the number of cars parked on his property, it appears to be a sizeable event. Weller has placed a number of orange cones on the state-owned road, as well as a couple of signs in each direction warning motorists that there may be individuals crossing Rt. 34. As you know, Rt. 34 is not a Township road and Howe Township has no jurisdiction over what Weller is doing in that respect. We are, and always have been, concerned with the possibility (or likelihood) that someone crossing the road on an ATV or motorbike, etc. may get seriously injured. By placement of the cones and signs, it is obvious to Weller that they, too, are concerned. Yet they do it anyway.

I do not know whether Weller contacted PennDOT about placing cones and signs along Rt. 34 or not. I suspect not, but I don't know.

Weller has insisted that the dirt bike track is for the exclusive use of his family and friends. Therefore, he is not running a commercial business until such time that there is proof of a commercial operation (vis a vis Weller charging an entrance fee or money for the use of the track, etc.), there is little we can do about it. Should there be evidence and proof that a commercial business is being operated, that changes everything from Zoning to E&S controls, Stormwater Management, etc.

What Howe Township wants to know is whether we are protected from any potential liability arising out of this exposure. We are very concerned and want to do as much as possible to shield the Township from any potential liability. If we are not protected, we want to know what we can do to change that.

Please review and advise ASAP. Thanks.

Dale

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**From:** Dale Beaver <daleb@pa.net>  
**Sent:** Tuesday, September 5, 2023 2:04 PM  
**To:** Nancy Cangioli - Howe Township Office ; Charles W. (Chuck) Burd; Kathryn Donahey  
**Subject:** Weller Dirt Bike Track Documentation - Part 2 - Conclusion

**Importance:** High

Nancy, Chuck and Kathy,

Here is the second of the emails that I was referencing last night regarding the documentation that we have been requested to include in the September 7 BOS meeting minutes. Thanks.

P.S. Nancy – Please print a hard copy of both emails that I am forwarding today. It will serve as an addendum to the regular monthly minutes that you have prepared. Thanks.

Dale

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**From:** Dale Beaver <daleb@pa.net>  
**Sent:** Monday, August 21, 2023 12:14 PM  
**To:** 'Makenzie Stover' <mstover@ckcog.com>; 'Dave A. Jones' <djones@stockandleader.com>; 'Charles W. (Chuck) Burd' <chuckb@pa.net>; 'Kathryn Donahey' <kathyd@pa.net>; 'Nancy Cangioli - Howe Township Office ' <howetwp@pa.net>  
**Subject:** RE: Weller Dirt Bike Track Update

Makenzie,

Thanks for looking at this. You have confirmed what we know.

I declare that the investigation into the matter is concluded. As stated below, we shall enter all of this information into the record at our September 7 BOS Meeting.

Dale

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**From:** Makenzie Stover <[mstover@ckcog.com](mailto:mstover@ckcog.com)>  
**Sent:** Monday, August 21, 2023 11:57 AM  
**To:** Dale Beaver <[daleb@pa.net](mailto:daleb@pa.net)>; Dave A. Jones <[djones@stockandleader.com](mailto:djones@stockandleader.com)>; Charles W. (Chuck) Burd <[chuckb@pa.net](mailto:chuckb@pa.net)>; Kathryn Donahey <[kathyd@pa.net](mailto:kathyd@pa.net)>; Nancy Cangioli - Howe Township Office <[howetwp@pa.net](mailto:howetwp@pa.net)>  
**Subject:** RE: Weller Dirt Bike Track Update

All,

I based upon the ordinance Wellers are permitted to do the use at that location. At this point if the township has no evidence of an official EVENT that is open to the public for a fee I don't see there is anything we can do. Obviously, the public safety is important I am not sure you will ever be able to catch the owner in doing something more if he is aware of the zoning regulations.

Q. Race Track

1. Private race tracks shall:

- a. be for the sole use of the property owner, his/her family and friends of the family
- b. not charge a membership, periodic or daily use fee for the use of the track

Unfortunately, if you are not aware of motocross reputation the relationship between riders are like family. They eat, breath and sleep the sport so the ordinance leaves a lot of openness for private race tracks and the only real way is to have evidence for a membership or fee being charged then obviously Wellers is in violation of the ordinance.

Thanks

Makenzie Stover

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**From:** Dale Beaver <[daleb@pa.net](mailto:daleb@pa.net)>

**Sent:** Wednesday, August 9, 2023 3:51 PM

**To:** Dave A. Jones <[djones@stockandleader.com](mailto:djones@stockandleader.com)>; Charles W. (Chuck) Burd <[chuckb@pa.net](mailto:chuckb@pa.net)>; Kathryn Donahey <[kathyd@pa.net](mailto:kathyd@pa.net)>; Makenzie Stover <[mstover@ckcog.com](mailto:mstover@ckcog.com)>; Nancy Cangioli - Howe Township Office <[howetwp@pa.net](mailto:howetwp@pa.net)>

**Subject:** Weller Dirt Bike Track Update

To All:

I have visited and/or spoke with the PSP and PennDOT today regarding the motor bike/ATV crossing on Rt.34 at Weller's (approximately 222 Red Hill Road). To be clear, no one is suggesting that there is any illegal activity going on here. They are 100% within their rights to cross the road to enter the track area. The issue is that we share a concern for Public Safety. Dave Jones has stated that the Township has no liability for this activity.

I met with Tpr. Book today (he is the son of Mark Book who I know well and lives in the log cabin on Rt. 34 not far from Weller's – I also served on the Newport School Board with him) and he is very familiar with the Weller property. As a matter of fact, Book's used to farm the parcel where the track now exists. I explained the situation and told him that we were simply doing our due diligence due to our concern for safety at the crossing. After checking their records, PSP stated that they were not notified of the "event" (I'm using that for lack of a better word for a gathering of what appeared to be quite a few people) last weekend. Further, Tpr. Book stated that they are not required to be notified. While he did not say it, Tpr. Book seemed to be somewhat impressed that Weller went to the trouble to set up cones and make-shift signs.

Also today, I spoke with Dave Temple at the New Bloomfield PennDOT Maintenance operation. He verified that PennDOT had not been notified that there was an "event" taking place at the dirt track. Dave is very familiar with it and the area. Clearly, the signage and cones that were placed were not "as per PennDOT specs." I asked Dave, if they had been asked would they have placed signs and cones there and he gave me an emphatic "No!" He did say that they would have advised Weller the correct signage, distances, etc. to post. Dave indicated that he was going to pass the information along to their HOP guy. I told him that I

suspect this would be treated similarly to a farmer driving his tractor off of an improved road on to a field.

We will wait to see what Makenzie reports back, but for all intents and purposes, I've concluded my look into the matter. All of this information will be entered into the record via the meeting minutes of our September 7 BOS meeting. Thanks.

Dale

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Makenzie Stover

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