

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
AUGUST 12, 2020**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, August 12, 2020 via Telephone Conference Zoom Meeting Call-In Number: (888) 788-0099 (US Toll Free)

Conference ID: 391 592 5613 (Press # when prompted)

In accordance with Governor Wolf's ongoing COVID-19 pandemic emergency declaration by the Commonwealth of Pennsylvania, Plainfield Township officials are holding this regular meeting utilizing the Zoom authorized telecommunication device platform only. Remote meetings are permitted under the provisions of Act 15 of 2020 (Health Care Cost Containment Act). The Board of Supervisors will not be physically present at this meeting. This public meeting will be recorded. We kindly ask that all interested parties participating via the dedicated conference call line to only speak during the sections of the meeting that are specifically reserved for public comment or when prompted by the Chairman and to also state your name each time you are speaking. Members of the public and all interested parties will have the opportunity to comment via the telephone conference call prior to any official action taking place and during the Citizen's Agenda/Non-Agenda portion of the meeting. Anyone intentionally disrupting the meeting will be promptly muted and/or ejected from the call.

Chairman, Randy Heard, called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Supervisors answered roll call: Chairman, Randy Heard, Vice Chairman, Glenn Borger, Jane Mellert, Stephen Hurni and Joyce Lambert.

Also present were Treasurer, Katelyn Kopach, Administrative Assistant, Paige Stefanelli, Township Manager, Thomas Petrucci, Township Engineer, Michael Kukles, and Solicitor, David Backenstoe.

- *Now that the roll call of the Board of Supervisors is completed, we will proceed with a roll call of all members of the public who are participating on this call. Please state your name(s) one at a time so the Township can make sure that your participation is recognized.*

PUBLIC ATTENDANCE:

The following individuals were present on the call:

Terry Kleintop
Don Moore

I. SECRETARY–THOMAS PETRUCCI:

1. Approval of the July 8, 2020 Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Jane Mellert and seconded by Chairman, Randy Heard, to approve the final version of the July 8, 2020 Regular Meeting Minutes as presented. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

2. Approval of the July 23, 2020 2nd Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the July 23, 2020 2nd Regular Meeting Minutes as presented. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

3. Receipt of Agricultural Security Area for Tax Map Parcel G9-7-1-0626 (62 Acres)- Received July 20, 2020:

Township Manager, Tom Petrucci, stated that on July 20, 2020, the Township received an application for an Agricultural Security Area for Tax Map Parcel G9-7-1-0626 in the amount of 62 Acres. This parcel is situated on Franklin Hill Road. This is for notification purposes only. A public hearing will be set up for proper review at a later date. Mr. Kleintop questioned who the owner was for the property. Mr. Petrucci indicated that the owners are Adam and Arlene Savakus. He added that the 62 acre portion is located within Plainfield Township and the other portion with a total of 38 acres is located within Washington Township.

II. TREASURER – KATELYN KOPACH:

1. Approval of the July, 2020 General Fund Disbursements (\$202,275.35):

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Joyce Lambert to approve the July, 2020 General Fund Disbursements in the amount of \$202,275.35. *Prior to the vote, Chairman, Randy Heard, asked if there*

were any comments from the governing body or the public. Motion approved. Vote 5-0.

2. Approval of the July, 2020 Treasurer's Report:

ACTION: Motion was made by Jane Mellert and seconded by Joyce Lambert to approve the July, 2020 Treasurer's Report. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.*

3. Approval of the 2020 2nd Quarter Non-Uniform Pension Plan Reports – Girard Pension Services:

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the 2020 2nd Quarter Non-Uniform Pension Plan Reports prepared by Girard Pension Services. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.*

III. TOWNSHIP ENGINEER – MICHAEL KUKLES, P.E.:

1. Getz Road Culvert Replacement- Project Update:

Township Engineer, Mike Kukles, stated that the ads will be completed for the end of the month. Bids are expected to come back for the Getz Road Culvert Replacement project on September 3rd, 2020 for review and the consideration of the Board of Supervisors.

IV. TOWNSHIP MANAGER – THOMAS PETRUCCI:

1. Slate Belt Multi-Municipal Comprehensive Plan – Monthly Update:

Township Manager, Tom Petrucci, did not have a report at this time. A meeting is set to be held in September 2020.

2. Plainfield Township Act 537 Official Plan Update – Monthly Briefing:

Township Manager, Tom Petrucci, did not have a report at this time.

3. Plainfield Township MS4/Stormwater Management Program – Monthly Briefing:

- a) Consideration of Advertisement for Adoption: Ordinance for Controlling Animal Wastes (Adoption Required by September 30, 2023)

Township Manager, Tom Petrucci, stated that a proposed ordinance was sent to the Board of Supervisors for review which is required under the Township's MS4 Permit to be adopted. This will need to be adopted by September 30, 2023. As requested, Mr. Petrucci revised the procedure on how fines are instituted. The fines were subsequently adjusted to a tiered system. The fines are now \$25.00 for the first offense, \$50.00 for the second offense, and \$75.00 for the third offense.

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to advertise the Ordinance for Controlling Animal Wastes for adoption. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

- b) Little Bushkill Creek Watershed MS4 Pollutant Reduction Plan/2019 DCNR C2P2 Grant Update: Wildlands Conservancy Posted Request for Proposals (RFP) for Professional Services Consultant on PennBid (will complete design/permitting work for in-stream restoration projects required for Pollutant Reduction Plan)

Township Manager, Tom Petrucci, noted that the Wildlands Conservancy has put together an RFP for instream restoration projects. These projects are required under the MS4 Permit as part of the Township's Pollutant Reduction Plan. The RFP is live on PennBid, and there are over 140 contractors that have demonstrated interest in the project. Mr. Kleintop questioned the location of the project. Mr. Petrucci indicated that most of the project site is located on Township property (along the Recreation Trail). A small portion is also located on Grand Central's property. Bids for the project are due on September 18, 2020. No further action was required by the Board members during this meeting.

On another note, Mr. Kleintop stated that the LVPC sent out a review letter in regard to an amendment change that Upper Mount Bethel Township Supervisors were proposing. Mr. Kleintop questioned if Solicitor Backenstoe has any thoughts on the matter. Solicitor Backenstoe stated that the letter is advisory only, and the Township does not need to act on the letter. Mr. Kleintop questioned what Plainfield Township would possibly consider. Solicitor Backenstoe reserved his comments until himself, Township Manager, Tom Petrucci, and Mr. Kleintop meet together and speak about the issue, if determined to be necessary.

Mr. Kleintop also mentioned about Entech Engineering regarding the possible septic tank issues. Mr. Kleintop questioned how this issue is being handled. Township Manager, Tom Petrucci, stated the properties identified will likely become part of a septic system management program, which would require proof that the septic systems located in the program area have been pumped on a regular basis.

Additionally, these property owners would be required to subject their septic systems to periodic inspections by the Township Sewage Enforcement Officer. As part of the Act 537 Plan, the recommendation will be for the Township to adopt a septic system management ordinance and the Board would then move forward to adopt the ordinance. Mr. Kleintop questioned whether any properties that were flagged are located near streams or culverts. Mr. Petrucci indicated that some properties were near streams and culverts. All programs and ordinances will be reviewed for full compliance with the septic systems on the properties.

4. Consideration of Bids Received/Award of Bid Contract/Agreement of Sale: Personal Property Disposition in Accordance with Section 1504 of Second Class Township Code (Municipal Auction)- 2002 Ford F-450 Utility Truck Body with 9' Western Plow; 1996 Cross Country Trailer; 2013 Ford Explorer Police Interceptor:

The bids were opened on August 5th, 2020 at 1:00 P.M. and the results are in. The 2002 Ford F-450 Utility Truck Body with 9' Western Plow came in at \$11,000.00. The 1996 Cross Country Trailer came in at \$1,805.00. The 2013 Ford Explorer Police Interceptor came in at \$4,800.00.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Joyce Lambert to approve the bids as indicated, to proceed with the disposition of the vehicles, and to forward the 2013 Ford Explorer Police Interceptor proceeds to the Slate Belt Regional Police Department. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.*

5. Approval to Advertise Guiderail Replacement Project on PennBid (Conditioned Upon Final Review of Township Engineer):

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to Advertise the Guiderail Replacement Project on PennBid conditional upon a Final Review by the Township Engineer. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.*

6. Slate Belt Regional Police Department (SBRPD): Review of Revised Charter Agreement:

Township Manager, Tom Petrucci, stated the SBRPD has been in operation since 2015, and the Commission determined it was necessary to update the Charter Agreement.

The Commission worked in tandem with the administrators of the three communities to produce the revised Charter Agreement. As a result of legislation recently passed at

the level of the Commonwealth, the revised Charter Agreement can now be adopted as a Resolution and not as an Ordinance, thereby saving administrative costs. The original Ordinance establishing the Charter Agreement would have to be repealed and replaced with a Resolution. Each of the three communities would have to pass both the Ordinance and Resolution.

Substantive revisions include the following:

- Confirming that the terms of the Commission members shall be in accordance with the best interests of the governing bodies of the three municipalities and that terms end once the member of the Commission ceases to be an official of the governing body.
- Clarification on monthly reporting of the Chief of Police to the Commission and the municipalities.
- Inserting the current cost sharing formula that is currently in use into the Charter Agreement. This was amended several times since the inception of the Department.
- Slightly revising the budget and audit deadlines to be more manageable.
- Requiring real estate transactions to be unanimously approved by the governing bodies themselves of the Municipalities.
- Requiring personal property transactions over \$50,000.00 to be unanimously approved by the governing bodies themselves of the municipalities.
- Requiring unanimous approval of the governing bodies themselves for both the allowance of additional municipalities to join the Commission and to permit the sale of police services (for example, to school districts or other municipalities).

Ms. Jane Mellert stated that some dates have been revised as well as other changes that were made. She added that a great deal of time has been put into the Charter Agreement. The current changes and updates made to the Agreement were very necessary.

Mr. Petrucci added that the appointments should be elected officials with Pen Argyl Borough and Plainfield Township. This item still needs to be worked out, however, the rest of the agreement is completed.

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the latest revised Slate Belt Regional Police Department Charter Agreement which removes corporations. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.*

Mr. Hurni added that for 2021, they will be working on having a timely Charter Agreement for the Board of Supervisors to review.

7. Albert Road (T-646) Speed Study Recommendation – Bushkill Township/Plainfield Township (25 MPH) (Requires Amendment to Add Albert Road (T-646) to §15-203 of Code of Ordinances (Speed Limits Established):

Mr. Petrucci stated a petition was sent to Bushkill Township as well as Plainfield Township to reduce the speed limit from 35 MPH to 25 MPH on Albert Road. A speed study was conducted on the roadway. The recommendation was to reduce the speed limit to 25 MPH on Albert Road. In order to change the speed limit on this road, an amendment will need to be made to add Albert Road (T-646) to §15-203 of Code of Ordinances (Speed Limits Established) to 25 MPH.

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to draft an ordinance to advertise to amend the speed limit from 35 MPH to 25 MPH for Albert Road. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

8. Follow-Up on Faith Christian School 40th Anniversary Homecoming October 16th Event Request (COVID-19 Liability Discussion):

Township Manager, Tom Petrucci, spoke with the Township's Insurance Company regarding allowing large events to take place on Township property. There is no insurance coverage that would be available for pandemics. Any individual can sue at any time. If the Township is attempting to follow CDC guidelines, the Township would not be considered as negligent. Waivers can also be signed to protect the Township. Other than the waiver, there is not much else the Township can do with respect to this issue.

Ms. Mellert stated that this event for the Faith Christian School 40th Anniversary Homecoming will be held outside and is in a large area. Mr. Hurni mentioned also placing signage around the property for CDC and State guidelines. Solicitor Backenstoe was in agreement with this suggestion. Mr. Petrucci requested that Solicitor Backenstoe review the latest waiver for any changes that may need to be made. He will provide Solicitor Backenstoe with a specific waiver for this event for his review/approval.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the Faith Christian School 40th Anniversary Homecoming October 16th, 2020 Event Request conditioned upon the following: signage to follow all CDC and State Guidelines being posted around the property, the applicant executing a waiver approved by the Township Solicitor, and all social distancing protocols being followed. Prior to the vote, Chairman,

Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

9. Review of Zoning Officer Position (Full-Time vs. Part-Time):

Mr. Petrucci sent out a memorandum to the Board of Supervisors concerning a proposed revision to the Zoning Officer position. Mr. Petrucci also reviewed information from PSATS. Based on responses from other Townships, the 2019 median salary for a Zoning Officer position was \$55,000.00 per year. Mr. Petrucci reviewed the salaries across the board including the 25%, 50% 75% percentile areas.

Ms. Jane Mellert requested for the Board of Supervisors to hold an executive session on the matter. Ms. Mellert added that this position is definitely needed, however, she would like to discuss the matter with the Board first. Mr. Petrucci indicated that the subject matter of a general discussion on the zoning officer position is not something that would be able to be discussed in executive session- only specific personnel.

Mr. Hurni questioned how the comprehensive plan may affect the zoning officer position. Mr. Hurni also suggested the possibility of sharing a zoning officer with another municipality. He questioned the reasoning for the immediacy of advertising for this position. Mr. Petrucci stated that the Township is in need of a Zoning Officer more than 2 times a week. Residents call or stop by on Tuesdays and Thursdays when Mr. Lezoche is in the office to ask questions about Zoning; however, he no longer has the time to review applications or do inspections by the end of the day. Solicitor Backenstoe added that there is an immediate need for a full time position given the widespread zoning issues across the Township.

Resident, Terry Kleintop, questioned how the Township envisions how to go about the position. Mr. Petrucci stated that the position should be able to handle any requirements within the Township Zoning Ordinance as well as technical capability including permitting software, GIS, etc. Mr. Petrucci added that as everything has become more complex, the Zoning Officer needs necessary time for review on ordinance requirements. Mr. Kleintop stated that there have been many past issues. He added that he wishes the Township hires an individual that can review Site Plans. He added there are many things to review within that position including the Watershed Management Program, Act 537, Official Map, etc. Mr. Kleintop stated that it is time to hire a full time Zoning Officer to accomplish what Plainfield Township needs.

Solicitor Backenstoe added that there are many serious zoning issues in the Township. He stressed that the Township cannot have someone only answering phone calls for an entire day. If the position were to allow for a 40 hour work week, the zoning officer would have more time to fulfill all job requirements. Resident, Don

Moore, added that they have also had some issues on the Zoning Hearing Board level. He stressed that the Township needs someone who can perform their job efficiently.

Mr. Petrucci added that the next step in the process is for him to write a job description and advertisement for the position.

ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to allow Township Manager, Tom Petrucci, to draft a job description and advertisement for a Full-Time Zoning Officer Position and to forward it back to the Board of Supervisors. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

Solicitor Backenstoe added that if the Township hires a full time Zoning Officer, the Township will be so much more efficient. He added that Mr. Petrucci and Ms. Stefanelli field zoning and general code enforcement complaint calls daily. Ms. Mellert added that she is in favor of more hours as well as not going with an outside consulting firm for the hiring of a Zoning Officer.

10. 839 Engler Road Trench Drain:

Township Manager, Tom Petrucci, stated that the final decision on the matter is owed to the property owner. Owner, Terry Kleintop, stated the Quiet Title is still tied up in court. The court system is extremely slow currently due to COVID-19. As of now, Mr. Kleintop does not own the piece of land in question at the end of the driveway. It came to the attention of Mr. Kleintop that the Township may be considering redoing the upper portion of Engler Road. There were two separate residents that have told him about the upper portion of the road. Mr. Kleintop questioned whether these statements were accurate. He added that if the Township is not interested in doing roadwork on Engler Road, then the bridge will need to be barricaded.

Township Manager, Tom Petrucci, stated that there have been proposals to fix Engler Road over the past few years including replacing inlets, culverts, metal pipe that leads to the stream as well as a stream channel along Engler Road. Mr. Petrucci sent out an email to the Board regarding this issue which involves a combination of a significant amount of stormwater piping including replacement of the culvert down by the bridge on Engler Road, a metal pipe that leads to the stream, and stabilization of the stream channel that is located next to Engler Road and is currently held up by gabion baskets. In order to perform the work needed on Engler Road, the Township will need a certified engineer's cost estimate. A project of this nature would be best to carry out in different phases. The cost to do improvements on Engler Road will be quite costly for the Township. The Township will need to research different funding options in order to offset the funds with Township funds including Hazard Mitigation Funds.

Mr. Kleintop stressed that he is not looking for a favor. The Board did not see the trench drain request as a favor. Mr. Kleintop mentioned there is a large amount of stormwater runoff that runs between his property as well as Mr. John Groff which is adjacent to his property. Ms. Mellert added that the last storm was terrific. She also mentioned that Getz Road was also impacted by the tropical storm and the culvert set for replacement has been completely washed out. Mr. Kleintop stressed that the water coming from down the road is quite significant. Mr. Kleintop stated that he would like the trench drain installed as they are getting hammered with stormwater runoff. He added that there is no decent stormwater management in place for Engler Road and he will not allow his driveway to wash away. Ms. Mellert stressed that the last storm, there was a tremendous amount of roads shut down with a lot of rain coming down. Mr. Kleintop spoke about many different storms that hit our area in the past.

Resident, Don Moore, has seen the work that has been done with respect to the Kleintop property within the past year for water runoff. They have recently come up with a positive way to manage some of the stormwater runoff on the property. Mr. Moore believes a trench drain would be very beneficial for the property.

Mr. Kleintop stated that he will do whatever he needs in order to correct the issue on his property. Ms. Mellert questioned when the court case regarding the Quiet Title will be heard. Mr. Kleintop indicated that a court date is still pending. Ms. Mellert questioned whether the trench drain would be located underneath the driveway. Mr. Kleintop stated that the drain would be located underneath the driveway and the trench drain would serve as the main water collection. Ms. Mellert stated that if there is a pipe under the driveway and some type of drainage system, this would alleviate a portion of the stormwater issue. Mr. Kleintop stated that the water originates from the fields and the road. It was clarified that a trench drain is only being requested and not a catch basin. This will allow the water to flow under the driveway rather than having it closed off.

Mr. Hurni questioned how large the trench drain would be that is being requested. Township Engineer, Mike Kukles, stated that the width of the grade is a storm inlet grate. There are 4 sides and a bottom where the grate would be sat on top. In this case, there would be 3 inlets next to one another which will be connected to go underneath the residential driveway. The width will be approximately 3 feet.

Mr. Hurni questioned whether this would solve the stormwater issue for Mr. Kleintop. Mr. Kukles is unsure as to whether the trench drain would fully correct the stormwater issue. The drain will likely only take care of a portion of the runoff issue. Chairman, Randy Heard, questioned if a trench drain were to be installed and the road would later be improved, if there was a possibility that the trench drain would need to be removed. Mr. Kukles and Mr. Petrucci added that this would be something that

would need further review. The installation of a trench drain may interface with a later improvement project. Mr. Petrucci added that this will be a massive project.

Mr. Petrucci added that this will need further review. The trench drain would likely redirect some of the stormwater and has the possibility of being positive management moving forward. Mr. Kleintop noted that he is trying to solve this problem and is willing to conduct the work himself if it is an issue for the Township. Mr. Kleintop stated the drain is not guaranteed to be perfect, however, it will certainly be an improvement.

Ms. Mellert stated that she does not have all information in front of her that was submitted in the past regarding this issue. The Board of Supervisors requested additional information as well as cost estimates. It was questioned whether any grants are available for this project. Mr. Petrucci stated that he is reviewing Hazard Mitigation Grants as he believes it would qualify for a FEMA hazard mitigation grant. In order to move forward with the grant, a cost estimate would need to be provided. Mr. Glenn Borger stated that the Board will need to know who the owner of that section of land is prior to proceeding with any project. Mr. Kleintop agreed. At this time, the ownership is stuck in the court system. Solicitor Backenstoe stated that Mr. Kleintop has a very strong case given the circumstances.

Solicitor Backenstoe added that there is a conference call with County Judge Sletvold next Tuesday. Until that conference call, Solicitor Backenstoe does not recommend the Township take any formal action at this time until the issue is resolved.

ROAD REPORT, PLANNING AND ZONING REPORT, RECREATION BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:

1. Planning and Zoning Report- July, 2020:
2. Road Department Report- July, 2020:
3. Fire Company and Ambulance Report- July, 2020:
4. Recreation Board Report- July, 2020

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the July, 2020 reports as listed and presented. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

SLATE BELT REGIONAL POLICE DEPARTMENT:

1. Slate Belt Regional Police Department Monthly Report- July, 2020:

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the Slate Belt Regional Police Department Monthly Report for July, 2020. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

CITIZEN'S AGENDA/NON-AGENDA:

Mr. Terry Kleintop- Mr. Kleintop questioned whether there is a reclamation plan for Waste Management's site when they close for what can and cannot be done on site once they are no longer in operation. Ms. Mellert stated that it is within the zoning ordinance. Mr. Petrucci stated that there are two separate things in place. The reclamation plan is within the Township Zoning Ordinance as well as within Waste Management's operating permit. Mr. Kleintop also questioned whether the Township needs to provide space for a landfill or if the Township has fulfilled its obligation with already hosting a landfill in the Township. Solicitor Backenstoe stated that he has very definite thoughts on this issue, however, does not believe it is appropriate to discuss the matter right now. These are two major obstacles that are the forefront of the discussion at the time the 10 municipalities meet again for the Comprehensive Plan.

Mr. Don Moore- Mr. Moore mentioned that the Comprehensive Plan is on a 10 year cycle. The current plan shows the landfill to close 8 years from now. Mr. Moore is unsure of whether the County will make any comments on the matter.

Mr. Moore stated that he has reservations regarding a letter that a Waste Management employee submitted to the newspaper after the last Board meeting. In the letter, the employee stated that because of the pandemic, public meetings planned for Waste Management were cancelled. Mr. Moore feels they could have scheduled meetings virtually. He added that Waste Management received notice at the June 10, 2020 Board meeting the proposal would be considered at the July 8, 2020 Board meeting. A virtual meeting was still not scheduled. Mr. Moore stated that the letter implies that the Board purposefully kept the proposal from the Planning Commission's consideration and review. Mr. Moore added that Solicitor Backenstoe stated at the July 8, 2020 meeting that the Planning Commission did not need to review the rezoning request. He noted that Waste Management has not filed an appeal to date of the vote from the Board of Supervisors.

Mr. Moore added that in this case, a PC recommendation was not needed. He stated the only proposal to consider was whether the Solid Waste Zoning District should be expanded. He stressed that the Solid Waste Zoning District was carefully planned in 1988 for the vision of this community. He feels that there is no justification to go through that process again as there are other landfills to dispose of trash. Additionally, the Board has considered income projections of income that include the closure of the landfill.

Mr. Moore referenced the letter mentioned about charitable benefits to the community associated with the landfill including the Green Knight Energy Center. He added that with Synagro, the forecast showed Synagro would be able to use waste heat from the Energy Center for 20 years.

Mr. Moore added that the Energy Center would be forecasted to run through about 2040 which is approximately 12 years after the landfill closes. Mr. Moore noted that those charitable functions of Green Knights can continue for that period of time. Mr. Moore stated that in reference to charitable contributions, Supervisor Heard donates 100% of his salary as supervisor to Blue Mountain Library, Green and White Association, and Jr. Police Academy.

Mr. Moore added that the letter seemed to put the Board under the bus accusing the members of being ill-conceived and hasty. He added that the Board members collectively have several decades of dedicated service to Plainfield Township in various capacities and on multiple boards and feels that letter did them a disservice. He added that not a single citizen spoke in favor of the proposal by Waste Management. Mr. Moore was very frustrated during his time of the courtesy of the floor at the last Board meeting due to his opinion not being understood. He added that the landfill is currently at about 968 feet in elevation. Most sections of the Township are at less than 700 feet in elevation. He noted that 5 years ago, he could barely see the top of the landfill from locations along Youngs Hill Road and Long Road, however, the landfill from these locations is currently visible in relief rising like a mountain. He stated that Ms. Mellert was correct with her statement during the July 8, 2020 meeting stating that a second landfill does not fit in Plainfield Township. Mr. Moore stressed that the Township may need to raise taxes, however, the monetary benefits of any landfill come to an end someday.

**In addition to direct public participation during the meeting, written comments concerning any listed agenda items may be submitted to the Township Manager by way of an email to manager@plainfieldtownship.org or via U.S. Mail C/O Township Manager, Plainfield Township, 6292 Sullivan Trail, Nazareth, PA 18064.*

BOARD OF SUPERVISORS REPORTS:

1. ***Glenn Borger, Vice Chairman-*** No Report
2. ***Joyce Lambert-*** No Report
3. ***Jane Mellert-*** Ms. Mellert stated
4. ***Stephen Hurni-*** Mr. Hurni stated the Police Commission authorized 3 committee members which consist of himself, Jane Mellert, and Steve Male, who is the Mayor of Pen Argyl, to discuss how to move forward with a Chief of Police and to evaluate the current acting chief for consideration. This matter will be discussed in the next week or two.

Mr. Hurni added that he discussed with Solicitor Backenstoe abstaining from any vote regarding Waste Management or the Green Knight Economic Development Corporation. After discussing the matter, Solicitor Backenstoe suggested reaching out to the state Ethics Commission. Mr. Hurni sent the State Ethics Commission a hard copy letter and

received a response requesting additional information. At this point in time, they will be offering Mr. Hurni an advisory as to whether he will need to continue abstaining on votes regarding Waste Management and Green Knights. Mr. Hurni anticipates an advisory opinion being issued within the next two weeks.

Chairman, Randy Heard, questioned Mr. Hurni on how he did not see these matters to be a conflict of interest. Mr. Hurni noted he is not sure if it is or not and this is the reasoning for him receiving an advisory. Mr. Hurni indicated that his participation as a member of the Green Knight Economic Development Corporation Board of Directors ends up costing him funds, and he does not earn compensation as a result of his appointment. Mr. Heard questioned whether Green Knights has any employees that work on projects that are selected. Mr. Hurni indicated they, as the Green Knights, do not have employees. They have a contract through Waste Management to run the plant. Ms. Mellert added that this sounds like a conflict of interest.

Solicitor Backenstoe added that Steve has repeatedly sought his advice on the matter. Solicitor Backenstoe has always felt that there is unquestionably a conflict of interest. Steve is on the Board of Directors for the Green Knights and the Green Knights are operated by Waste Management and its very survival is based on Waste Management. Solicitor Backenstoe read aloud §1103 regarding restricted activities/conflict of interests. He stated no public official or public employee shall engage in a conduct that would constitute a conflict of interest. He added when you look at the definition of conflict of interest, you see a public employee or official of the authority of his office or employment or any confidential information received through his holding of public office, or employment for the private pecuniary benefit of himself, a member of his immediate family or a business for which he or a member of his family is associated. Steve is an officer of the Green Knight Economic Development Corporation. He is not only associated with it, he has a fiduciary duty to them.

Solicitor Backenstoe noted he is very conservative and is here to protect the Township and the Board members (including Mr. Hurni). Anytime that there is a Green Knight matter, he believes Mr. Hurni is absolutely barred and precluded and must abstain. Furthermore, when Waste Management is the sole source provider of the Green Knights, and Mr. Hurni votes in favor of an issue with Waste Management or the Green Knights and derives an economic or direct benefit, he should not vote on an issue of that nature. Solicitor Backenstoe added that if an individual would like a second opinion, they may get an advisory opinion from the State Ethics Commission. Mr. Hurni could also side against Solicitor Backenstoe's opinion, however, if he is incorrect and believes he can vote and then violates the act, there are many repercussions including potential criminal acts as well as being removed from his position.

Mr. Hurni stated that it costs him money to be on the Board of the Green Knights and he is not benefitting from being on the Board. He also does not seek reimbursement. Mr.

Hurni stated that Ms. Robin Hittie, Director of the state Ethics Commission, was not concerned that he has a fiduciary duty and that Mr. Hurni is not making money. Ms. Mellert was unsure what Ms. Robin Hittie meant by that. Mr. Hurni was unsure of the meaning as well. Mr. Hurni added that they are going to look at his request in the context of the documentation that he provided, the Green Knight bylaws, and Articles of Incorporation. Solicitor Backenstoe stated that his determination on the matter could be overruled by the Ethics Board as well. Ms. Mellert questioned Mr. Hurni about the company being a 501.c(3). Mr. Petrucci indicated that this is a non-profit organization. The Ethics Commission requested Mr. Hurni to locate documents that showed the Township adopted the Green Knights as a type of governmental arm. Mr. Petrucci could not locate those documents. Mr. Hurni added that Mr. Leonard Del' Alba appointed him and when that question arose, it was never included in the minutes. Ms. Mellert was confused how the Township appointed individuals then, but now they are no longer presently involved.

Mr. Kleintop questioned whether Pen Argyl Borough Council and Wind Gap Borough Council appoint their own representatives. Mr. Hurni was unsure.

Mr. Moore finds it problematic that the Township has a Board member that cannot vote on Green Knight and Waste Management matters. He questioned Mr. Hurni on whether he would ever resign from the Green Knights. He is unsure why this issue is coming up now although he has been on the Board for quite some time. If Mr. Hurni receives a favorable response from the Ethics Board, that seems like it could be a huge issue. Mr. Moore sees a major conflict of interest. Mr. Hurni stated that he would not walk away from the Township because he asked people to vote for him.

Chairman, Randy Heard, questioned whether the Green Knights prefer Mr. Hurni as a voting member. Mr. Hurni indicated that they probably do. Mr. Heard stated Mr. Hurni told him for years that they were a separate entity, did not want any input from the Township, and they handpick their own members. Now it seems you're requesting to hold a vote even though the Green Knights state they want nothing to do with Township politics. Mr. Heard added that the Township received a letter from the Green Knight Development Economic Corporation that they are strongly in favor of Mr. Hurni voting. The Green Knights does not request the Township input on any projects and the Township usually gives them what they want in terms of projects. Mr. Heard stressed that on one end, the Green Knights does not want to get political, but then the other end, you're interjecting yourself on township politics. Mr. Hurni mentioned when the Board was set up in 1999 with the Green Knights, they determined that they did not want to be involved with government because it moves too slowly and that was the primary reason for being apolitical. Mr. Heard stated that Mr. Hurni is requesting to vote on specific matters and the Township even received a letter from the Green Knights strongly endorsing the Waste Management proposal. He stressed that this is political. He added that Mr. Hurni is going to have a hard time walking the line between the Green Knights

and the Township. Mr. Heard is very confused of his request. Mr. Hurni stated that if he had to choose between the Green Knights and the Board, he would stay on the Board of Supervisors.

Ms. Mellert questioned whether Mr. Hurni voted on the letter the Green Knights sent to the Township. Mr. Hurni indicated that he did not vote on the letter. He was aware the letter was being written, however, there was no vote that took place to review/approve the letter. Mr. Mellert questioned how the Township is supposed to take the letter seriously if it wasn't voted on by the whole Board and there was a majority to send the letter. Mr. Hurni stated that he will look into it.

Mr. Borger questioned who the secretary of the Green Knights is. Mr. Hurni indicated that he is the secretary.

Mr. Moore noted that Mr. Hurni is putting himself in a position to vote no. Mr. Kleintop appreciated Mr. Hurni's honesty. Mr. Kleintop questioned whether Mr. Petrucci and Mr. Hurni would be interested in meeting about the Comprehensive Plan with regard to the Landfill and the recent issues with Upper Mount Bethel Township. Ms. Mellert indicated that because of the Landfill topic, Mr. Hurni would not be able to participate. Mr. Petrucci indicated that he would like to discuss the matter, but if action was already taken, he would need additional information on the action prior to meeting.

5. *Randy Heard, Chairman*- No Report

SOLICITOR'S REPORT- DAVID BACKENSTOE, ESQUIRE:

Solicitor Backenstoe's comments were addressed earlier in the meeting.

ADJOURNMENT:

Having no further business to come before the Board of Supervisors, motion was made by Glenn Borger and seconded by Joyce Lambert to adjourn the meeting. Motion approved. Vote 5-0.

The meeting adjourned at 9:37 P.M.

Respectfully submitted,

Thomas Petrucci, Township Manager/Secretary
Plainfield Township
Board of Supervisors

These minutes were prepared with the assistance of the Administrative Assistant of the Township, Paige Stefanelli, under the direction of the Township Manager/Secretary.