

PLAINFIELD TOWNSHIP BOARD OF SUPERVISOR'S MEETING

July 12, 2023

The July 12, 2023, Board of Supervisors Meeting was held at Plainfield Township Municipal Building located at 6292 Sullivan Trail Nazareth, PA 18064

I. CALL TO ORDER: Chairman Borger called the July 12, 2023, Board of Supervisor's Meeting to order at 7:00 PM.

II. The Pledge of Allegiance was performed.

III. ROLL CALL: Glenn Borger, Paul Levits, Jane Mellert, Don Moore, Ken Fairchild, Jeff Ott, Township Engineer, Dave Backenstoe, Township Solicitor, Jeff Bartlett, Township Manager, and Kelly Unangst, Township Secretary. Absent: None

IV. ASSISTANT SECRETARY'S REPORT: Township Manager Jeff Bartlett

February 8, 2023, Draft Meeting Minutes.

February 23, 2023, Draft Meeting Minutes

March 8, 2023, Draft Meeting Minutes

March 23, 2023, Draft Meeting Minutes

April 12, 2023, Draft Meeting Minutes

April 27, 2023, Draft Meeting Minutes

Due to the board not having adequate time to review correction suggestions **a motion was made by Chairman Borger and seconded by Supervisor Fairchild to table the Board of Supervisors Meeting Minutes listed above until the next meeting.** Chairman Borger asked if the Board could be provided with copies of the suggested changes with the draft minutes for each meeting. Supervisor Mellert stated that the Board has not received the meeting minutes for the March 23, 2023, meeting. Township Manager Bartlett stated that the March 23rd meeting minutes were an oversight on his part. He did the minutes and had also thought the new Township Secretary, Kelly Unangst had also done the minutes for this meeting. He was waiting to incorporate her notes into his and hadn't realized she didn't take minutes at this meeting. Manager Bartlett stated that he will have the above-listed minutes, with changes incorporated and copies of said changes by the upcoming Friday to have time to review prior to the next BOS Meeting. Having no further comments from the Board or from the audience, Vote: 5-0.

V. TREASURER'S REPORT: Township Manager Jeff Bartlett

Mr. Bartlett explained the reasons for the zeros found in the report under disbursements are for a variety of reasons. The first of July was on a weekend, July 4th Holiday was in the first week of

the month, and no banking business was done that day, and the account bank statements usually do not arrive until after the first week of each month has passed. He also stated that the Treasurer is also in the middle of the Township's annual audit. Township Manager Bartlett suggested that the Board allow the Treasurer's Report to be submitted for the second meeting of each month since the bank statements on the numerous accounts that the treasurer must reconcile don't usually come in the mail until the 7th to the 10th of each month. The time it takes for the treasurer to reconcile the various accounts and produce a report monthly makes it difficult to provide a complete Treasurer's report. Supervisor Moore stated that he had a discussion with the Township Treasurer who told him she would be unsure that numbers are being reported accurately because she must rush from the time, she receives bank statements to produce a Treasurer's Report. She doesn't want to report incorrect information. Supervisor Mellert stated that she was under the impression that the Township was set up to be able to go online and view account activity electronically. The Treasurer shouldn't have to wait to receive statements in the mail. She stated that the police always have their treasurer's report. Manager Bartlett stated that the police also only have one account to reconcile. Supervisor Mellert stated that our agenda only ever shows balances or disbursements from one account: the General Fund. Supervisors Moore and Mellert discussed having the Treasurer's Report at the second meeting of the month, how that is supposed to be the monthly workshop meeting, and how much time spent with the auditors and producing a Treasurer's Report should take. Millie Beahn, from the audience, stated that this township has operated for many years. Things that always got done before, are no longer getting done. She asked if the township needs more staff. Brienne Kemmerer, an audience member, asked if any members of the Board were aware of the length of time it takes to prepare a treasury report. Chairman Borger stated that he is unaware as he has never done treasury work before. Supervisor Mellert stated that in her experience of being a treasurer in the past, it was not a long process. She doesn't understand what the delay is. Dave Johnson, an audience member, stated that his secretary has always been able to quickly print out a treasurer's report for him for the fire company. **A motion was made by Supervisor Moore and seconded by Chairman Borger to agree to accept the Treasurer's Report in time for the second Board of Supervisor's Meeting of each month. No further questions or comments from the Board or from the audience. Vote 4-1 (Nae-Supervisor Mellert)**

A member of the audience asked the Board if there are expectations from the Board to the office staff making staff aware of what is expected of them. She stated that a printout of expenses should not take long. Are staff members aware of how they should be prioritizing responsibilities? Do they know what takes precedence over what? Supervisor Mellert stated that these are things that need to be discussed in an Executive Session because she is not aware of what the responsibilities are for the Treasurer's position.

VI. TOWNSHIP ENGINEER: Jeffrey Ott, P.E. (Left the meeting at 7:22 PM at completion of his report)

1. Discussion and Final Payment Approval on the Municipal Salt Shed Project.

Engineer Ott referred to his letter dated June 14, 2023, where he laid out the status of an 18-month maintenance bond. Engineer Ott stated that he is ready to release the 10 % retainers that he is holding. He is recommending the Board of Supervisors make a motion to release the 10 % retainer fee in the amount of \$37,826.70 to Cobalt Construction from the salt shed construction. **A motion was made by Supervisor Mellert and seconded by Supervisor Fairchild to release these funds to Cobalt Construction in the amount of \$37, 826.70. No comments or questions from the Board or from the audience. Vote: 5.0**

VII. PREVIOUS BUSINESS:

1. **Plan Slate Belt Update** – Supervisor Moore gave report. As of the last meeting it was determined that Becky Bradley should have a conversation with Solicitor Backenstoe where Attorney Backenstoe would address the need for broader land use plans as well as the solid waste. Supervisor Mellert stated that her interpretation of the last meeting was that the other municipalities now felt as though they were being targeted by our letter mentioning that both municipalities have land use available to be used for sanitary landfills or for solid waste. She and Supervisor Moore stated that they both mentioned that there is nothing in Plainfield Township’s letter that is not already in the municipality’s ordinances.

2. **SBRPC Lease** – Moved to the end of the agenda to be discussed in an Executive Session. Chairman Borger asked if the Township has received anything from the PD on their letterhead in response to the correspondence, we have sent them. Supervisor Moore stated, no we have not. Chairman Borger stated that there really is nothing to be discussed. Board members agreed to place this topic at the end of the agenda to be discussed in an Executive Session.

3. **Discussion and Possible Revisions to Proposed Warehouse Ordinance** -- Supervisor Moore stated that the Board left off last meeting where wording of the ordinance needs clarification. The other area of discussion was the types of materials that can be stored in a warehouse. He stated that the LVPC review of our Warehouse Ordinance has come back to the Township. **A motion was made by Supervisor Moore and seconded by Chairman Borger to send our Warehouse Ordinance to our Planning Commission and the LVPC for review. The Board authorized Township Manager Bartlett to advertise 2 consecutive weeks, 7 days apart, but not more than 30 days apart. No comments or questions from the Board or from the audience. Vote: 5-0**

4. **Update on the Little Bushkill Stream Restorations Project** – Township Manager Bartlett gave an update on this project. Supervisor Mellert asked if the Township received confirmation from any of the grant options. Manager Bartlett stated that he has received DEP confirmation of approval for an additional \$25,000. Kate Ebel at the Wildlands Conservancy prepared the paperwork and managed the grant.

VIII. NEW BUSINESS:

1. **Motion to approve completion of probation period for Township Treasurer Amy Riger.** Manager Bartlett stated that Treasurer Riger has completed her probationary period of employment. He requested the board make a motion agreeing to this, so she is no longer on probation as a new employee. Supervisor Mellert stated she would like to discuss this in an Executive Session at the end of the meeting, Supervisor Moore agreed with this statement.

IX. REPORTS SUBMITTED FOR BOARD REVIEW:

1. **Plainfield Township Fire Company**
2. **Plainfield Township EMS Report**
3. **Blue Mountain Community Library**
4. **SBRPD Monthly Report June 2023**

Chairman Borger stated that if anyone would like a copy of any of the reports, they can contact the Township Manager. A motion was made by Supervisor Mellert and seconded by Supervisor Fairchild to accept the above listed reports as submitted. No comments from the Board or from the audience. Vote: 5-0

X. CITIZEN'S AGENDA/NON-AGENDA ITEMS:

1. **Millie Beahn** – She addressed Chairman Borger and asked why the phones have not been answered since December of 2022. She asked if the office needs additional staff, then why aren't we hiring?

2. **Debra Mouisset** – Travel Inn – Solicitor Backenstoe brought everyone up to date with what the Township has done and can do in the future. He requested permission from the Board to get an injunction to force the owner to clean the property up and make it safe because it is a health hazard and nuisance. He does not expect the owner will comply and then the owner will be held in contempt. An audience member asked the Board what the value of the property is listed as. Several members replied, a couple million. Solicitor Backenstoe stated he did a title search and confirmed that the property's mortgage is with Community Bank and is in the amount of \$1.497 million. The owner also owes Wind Gap Municipality \$110,00 and \$48,000, Plainfield Township \$12,000, an unidentified entity has a judgement against the owner for \$172,000. Solicitor Backenstoe stated that there is approximately 2 million in liens and judgements against the owner and property. Supervisor Mellert asked Solicitor Backenstoe to confirm the motion. Solicitor Backenstoe stated that the injunction would be brought about due to code violations which is what the township has fined him for in the past. A public nuisance theory would be the other cause the township has against the owner. A public nuisance is that a property is the cause of so many issues for so many people; IE: rats now infesting nearby businesses. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to allow Solicitor Backenstoe to proceed under the UCC and public**

nuisance ordinance to request the Judge to enter an order for the owner to clean up the property. No questions or comments from the Board or from the audience. Vote: 5-0

3. **Karen Johnson** – Solicitor Backenstoe gave a report on the information he discovered from reviewing both Ms. Johnson’s property file and Mr. DeCesare’s property file. Mr. Ron DeCesare Jr.’s property is on Church Rd. He reviewed documentation from Jason Smith, a Senior hydro scientist with Hanover Engineering who reviewed the issue to assist former Township Manager Petrucci see if there was a solution for Ms. Johnson. In a letter from Mr. Smith to Mr. Petrucci, dated May 28, 2021, Mr. Smith stated that he did not believe Plainfield Township was responsible for the stormwater runoff that Ms. Johnson was experiencing on her property. He believed that it was an issue caused by a culvert that was installed by PennDOT. Solicitor Backenstoe also called and spoke to Senior Scientist Smith who stated that this is not Plainfield Township’s fault. Mr. Smith documented in his letter from May of 2021 that the water that runs from Mr. DeCesare’s property onto other properties is a femoral stream. Mr. Smith’s letter noted that Mr. DeCesare, Ms. Johnson, and the property to the South of Mr. DeCesare all took remedial action to prevent storm water from coming onto their property. This is partially the problem. The other issue, as documented by Mr. Smith, is that PennDOT put in a man-made channel under Church Road, 0.35 miles East of the intersection of Sullivan Trail and Church Road. Mr. Smith states in his letter that he felt it was installed and maintained improperly by PennDOT. He felt that this is where most of the water on Ms. Johnson’s property comes from. Water was directed from one water source to another water source which is never encouraged and usually not permitted. In conclusion, Mr. Smith’s report stated that based on information provided to him from Plainfield Township, and site inspections Mr. Smith conducted on February 11, 2020 and April 15, 2021, and research he conducted, it is in Mr. Smith’s conclusion that regarding the ongoing stream erosion on the DeCesare property and the erosion and flooding on Ms. Johnson’s property and the property South of the DeCesare property, are not in any way the responsibility of Plainfield Township. It is in Mr. Smith’s opinion that Plainfield Township did not contribute to or cause the noted problems on these three properties. Solicitor Backenstoe recommended the Board to send a letter to PennDOT notifying them of what is happening with this culvert and the issues it is causing on Ms. Johnson’s property. Nolan Kemmerer asked when the culvert was installed by PennDOT. Unknown at this time. **A motion was made by Supervisor Mellert and seconded by Supervisor Moore to send a letter to PennDOT making them aware of this situation. No further comments or questions from the Board or audience. Vote: 5-0**

The Board of Supervisors entered into an Executive Session at 8:29 PM to discuss real estate and personnel. Chairman Borger called the Board of Supervisor’s meeting back into session at 10:20 PM. **A motion was made by Supervisor Mellert and seconded by Supervisor Moore to send a letter to the SBRPC offering \$13.00 per square foot with no annual increase which will start the month the lease is approved and run until December 31, 2026. Revisions to some of the language will also be done. No comments or questions from the Board or audience. Vote: 5-0**

XI. BOARD OF SUPERVISORS REPORTS:

1. Ken Fairchild – None
2. Don Moore – None
3. Jane Mellert – None
4. Glenn Borger – None
5. Paul Levits -- None

XII. SOLICITOR'S REPORT: David Backenstoe, ESQ. – None

XIII. ADJOURNMENT: A motion was made by Supervisor Fairchild and seconded by Chairman Borger to adjourn the July 12, 2023, Board of Supervisors Meeting. The next meeting will take place on July 27, 2023, at 7 PM at the Plainfield Township Municipal Building.

Respectfully submitted,

Kelly Roth Unangst

Township Secretary.