

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
DECEMBER 15, 2021**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, December 15, 2021 at the Plainfield Township Municipal Building, which is located at 6292 Sullivan Trail, Nazareth, PA 18064. The meeting public notice was duly advertised in the November 22, 2021 issue of the *Express-Times*.

Vice-Chairman, Glenn Borger, called the meeting to order at 7:00 P.M. The Pledge of Allegiance was performed.

ROLL CALL:

The following Supervisors answered roll call: Vice Chairman Glenn Borger, Supervisor Jane Mellert, Supervisor Stephen Hurni and Supervisor Joyce Lambert. Chairman Randy Heard was excused from attending the meeting.

Also present were Township Manager Thomas Petrucci, Township Engineer Jeff Ott, P.E., and Solicitor David Backenstoe.

I. TOWNSHIP SECRETARY– THOMAS PETRUCCI:

1. Executive Session Announcement (Real Estate) – 11/10/2021 (8:50 PM to 9:30 PM):

Tom Petrucci reported that the Board of Supervisors held an executive session on November 10, 2021 from 8:50 PM to 9:30 PM to discuss the potential acquisition of real estate.

2. Executive Session Announcement (Personnel) – 11/24/2021 (1:00 PM to 3:00 PM):

3. Tom Petrucci reported that the Board of Supervisors held an executive session on November 24, 2021 from 1:00 PM to 3:00 PM to discuss personnel matters.

4. Executive Session Request (Personnel):

Tom Petrucci requested an executive session to discuss personnel matters following tonight's meeting if there was sufficient time to hold the executive session.

5. Approval of the October 28, 2021 2nd Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the October 28, 2021 2nd regular meeting minutes, as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

6. Approval of the November 10, 2021 Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the November 10, 2021 regular meeting minutes, with the changes notated by Jane Mellert (these changes were not substantive and were only modifications pertaining to the listed order of some of the items).

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

7. Public Hearing/Approval of Resolution No. 2021-23: Agricultural Security Area Amendment for 1204 Miller Road (Tax Map Parcel ID No. G9-13-2-626, 3 Acres):

A public hearing was held for the above-referenced Agricultural Security Area Amendment; the application was able to be less than ten (10) acres due to the fact that a portion of the total parcel is located in Washington Township. There were no questions concerning this application.

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve Resolution No. 2021-23, as submitted.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

8. 2022 New Jersey Tractor Pullers Association Farmer's Grove Storage Request:

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the Farmer's Grove storage request for 2022 in the amount of \$100.00.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Jane Mellert stated that the \$100.00 amount should be increased.

Motion approved. Vote 3-1, with Jane Mellert voting "no".

9. Estates at Sullivan Trail Subdivision (Preliminary Approval)- Extension Expires December 31, 2021 (Extension to December 31, 2022):

Mr. Jim Faust was in attendance as the developer and reported that there is an agreement of sale on this property. He is respectfully requesting that the subdivision should be extended until June of 2023, which is consistent with the expiration date of the current NPDES permit approval.

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the extension of time for the Estates at Sullivan Trail Subdivision (Preliminary Approval) until June 30, 2023.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

10. Green Knight Industrial Park II- Improvements Agreement Extension Expires December 31, 2021 (Extension to June 30, 2022):

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the extension of time for the Green Knight Industrial Park II Subdivision until June 30, 2022.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

11. Approval and Advertisement of 2022 Plainfield Township Meeting Schedule:

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the 2022 Plainfield Township Meeting Schedule and to authorize the Township Manager to advertise the annual schedule in accordance with the requirements of the Sunshine Act and the Second Class Township Code. The time of the annual reorganization meeting will be changed from 5:30 PM to 4:30 PM.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

12. Notification- Applications Received for Citizen Advisory Board Vacancies:

Following review of the applications that were received for open/available Citizen Advisory Board vacancies, the Board of Supervisors agreed to allow a committee of the Board to interview Mr. Lee Houser in the near future. Supervisor-elect Donald Moore will be permitted to attend the interview session (Solicitor Backenstoe provided

assurance that this action would be appropriate). Jane Mellert and Glenn Borger will attend on behalf of the Board of Supervisors.

II. TREASURER – KATELYN KOPACH:

1. Approval of the November, 2021 General Fund Disbursements (\$255,889.95)

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the November, 2021 General Fund Disbursements in the amount of \$255,889.95.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

2. Approval of the November, 2021 Treasurer’s Report:

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the November, 2021 Treasurer’s Report.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

3. Acceptance of Resignation of Treasurer (Effective Date of December 31, 2021):

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to accept the resignation of Treasurer Katelyn Kopach, with regrets.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Jane Mellert requested that a letter should be sent to Ms. Kopach thanking her for her years of service.

Donald Moore remarked that Katelyn Kopach was always friendly and helpful when assisting residents at the front window.

Motion approved. Vote 4-0.

4. Approval of 2021 4th Quarter Payments:

- Emergency Management Coordinator- \$600.00

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the 4th Quarter 2021 payment to the Emergency Management Coordinator in the amount of \$600.00.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

- Plainfield Township Volunteer Fire Company- \$25,000.00

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the 4th Quarter 2021 donation payment to the Plainfield Township Volunteer Fire Company in the amount of \$25,000.00.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

III. TOWNSHIP ENGINEER – JEFF OTT, P.E.:

1. Country Quest Estate Subdivision- Approval of Installation of Iron Pins for Lot Corners and Concrete Monuments (Required for Public Improvements):

Jeff Ott reported that there are remaining public improvements that need to be completed for this subdivision, which the Township holds the remaining security to complete. There are approximately nine (9) concrete monuments and eighteen (18) iron pins that need to be set at property corners. There are also approximately fifty-eight (58) street trees that need to be procured and placed. The cost to complete the survey work associated with the iron pins and monuments is \$6,900.00. The cost of the street trees is \$17,400.00. Mr. Ott is only requesting authorization to complete the survey work in the amount of \$6,900.00 at this time.

Jane Mellert requested clarification from Mr. Ott concerning the change of the number of monuments and pins (the original cost estimate was fourteen (14) monuments and twenty-two (22) iron pins for a total cost of \$6,030.00) from the original cost estimate prepared for this subdivision. Jeff Ott stated that their current research amended the figures, and they are using the unit price of \$255.55 for each corner.

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to approve the placement of the nine (9) monuments and the eighteen (18) pins by the office of the Township Engineer for the Country Quest Estates Subdivision in an amount not to exceed \$6,900.00.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop questioned where this subdivision is located, and Tom Petrucci reported that it is along Grand Central Road and Pen Argyl Road.

Motion approved. Vote 4-0.

Vice Chairman Glenn Borger asked if any members of the audience had additional requests for the Township Engineer prior to him leaving. Mr. and Mrs. Karner (5850 Kessler'sville Road) requested an isolation waiver for their septic system. The property owners received direction to confer with the Sewage Enforcement Officer between now and the next meeting, which is scheduled for Wednesday, January 12, 2022. An Indemnification Agreement is required to be approved by the Board of Supervisors and ultimately recorded (so that it runs with the land in perpetuity).

Jeff Ott left the meeting following his report to the Board of Supervisors.

IV. TOWNSHIP MANAGER – THOMAS PETRUCCI:

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

- Tom Petrucci announced that the next Plan Slate Belt meeting is scheduled for Wednesday, January 5, 2022 at 7:00 PM; the meeting will be held at the Plainfield Township Volunteer Fire Company. The Steering Committee will review the draft policies and goals for the plan.

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

- The sub-committee of the Act 537 Official Plan held a meeting in October. Following that meeting, the plan consultant, Entech Engineering, was directed to study additional areas for possible public sewer. Additional information is still needed from Entech Engineering.

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

- No report was provided.

4. Approval of Resolution No. 2021-24: 2022 Real Estate Tax Resolution (7.0 Mills):

ACTION: Motion was made by Joyce Lambert and seconded by Glenn Borger to approve Resolution No. 2021-24 as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 3-1, with Stephen Hurni voting “no”.

5. Approval of Resolution No. 2021-25: 2022 Proposed Plainfield Township Budget Adoption:

ACTION: Motion was made by Joyce Lambert and seconded by Glenn Borger to approve Resolution No. 2021-25 as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop asked for the overall amount of the budget, and Tom Petrucci replied that the amount of the 2022 General Fund Budget is \$3,681,971.15.

Motion approved. Vote 4-0.

6. Approval of Resolution No. 2021-26: 2021 Budget Amendment Resolution:

ACTION: Motion was made by Joyce Lambert and seconded by Glenn Borger to approve Resolution No. 2021-26 as presented. The following adjustments were set forth in Resolution No. 2021-26:

- **413.000 (Protective Inspections- General Fund): Increase General Fund Line Item 413.000 (Alternate Building Inspector) from \$33,250.00 to \$100,000.00 (Increase of \$66,750.00);**
- **402.130 (Auditing/Accounting Professional Service): Increase Capital Reserve Fund Line Item 402.120 (Auditing/Accounting Professional Service) from \$0.00 to \$8,000.00 (Increase of \$8,000.00).**

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop asked if the real estate transfer tax did well this year, and Tom Petrucci reported that was indeed the case. The Township budgeted \$110,000.00, and it has received \$183,547.36 in real estate tax transfer tax through the end of November.

Donald Moore questioned whether this process was to show what the budget was at the beginning of the year versus the actual expenditures. Tom Petrucci explained that the Second Class Township Code allows Townships of the Second Class to amend

their budgets after the first three (3) months of the fiscal year to adjust for the receipt of unencumbered funds and to account for discrepancies in line items.

Motion approved. Vote 4-0.

7. Approval of Resolution No. 2021-27: Adding Additional Properties to the Township's Act 4 – Millage Freeze Program:

ACTION: Motion was made by Joyce Lambert and seconded by Jane Mellert to approve Resolution No. 2021-27 as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

8. Approval of Resolution No. 2021-28: Biennial Emergency Operations Plan Update:

This matter was tabled until such time additional information is received from the Emergency Management Coordinator.

9. Consideration of Adoption: Ordinance No. 408- Amending Article V, Section B of the Slate Belt Regional Police Department Charter Agreement:

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to adopt Ordinance No. 408 as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Stephen Hurni questioned whether the Township could amend the ordinance via resolution in the future, and Tom Petrucci responded that the Township could in fact do so if the Township and participating Slate Belt Regional Police Department municipalities adopted a revised Charter Agreement by resolution. Solicitor Backenstoe recommended that the Charter Agreement ordinance must provide for future amendments via resolution.

Motion approved. Vote 4-0.

10. Public Hearing: Ordinance No. 409- Open Space Plan Amendment- “Additional Ways to Preserve Open Space”:

The Plainfield Township Planning Commission had previously recommended that the Board of Supervisors adopt the above-referenced ordinance, which allows the Township to utilize its Open Space Fund (and delineates a process) for expenditures

other than agricultural properties that are preserved through the Northampton County Farmland Preservation Program.

The preamble of Ordinance No. 409 is set forth for reference as follows:

WHEREAS, the Plainfield Township Board of Supervisors enacted and ordained Ordinance No. 315 on December 13, 2006, which created the Plainfield Township Environmental Advisory Council (EAC); and

WHEREAS, among other duties, the EAC acts as the Plainfield Township Open Space Committee, which, *inter alia*, advises the Plainfield Township Board of Supervisors on matters pertaining to open space land acquisition and funding; and

WHEREAS, on or about November 6, 2007, the residents of Plainfield Township voted to approve a 0.25% tax assessment on all wages, salaries, commissions and other earned incomes of individuals residing in Plainfield Township for the purposes of the Township's acquiring preserved agricultural easements and open space; and

WHEREAS, on December 26, 2007, Plainfield Township enacted and ordained Ordinance No. 332, which imposed a 0.25% earned income tax for agricultural and open space funding; and

WHEREAS, Section 5003 (32 P.S. § 5003) of the Open Space Lands Acquisition and Preservation Act ("Act") entitled "Planning Requirements" specifically provides that a local government unit shall not acquire any interests in real property under the provisions of this Act unless said real property has been designated for open space use in a resource, recreation or land use plan recommended by the Planning Commission of the municipality in which the real property is located and adopted by the governing body of that municipality; and

WHEREAS, the Plainfield Township Board of Supervisors previously engaged land use consultants, Urban Research and Development Corporation (URDC), to prepare the current adopted Plainfield Township Open Space Plan; and

WHEREAS, a final draft of the current adopted Plainfield Township Open Space Plan was prepared by URDC in October, 2009; and

WHEREAS, the Plainfield Township Board of Supervisors adopted the current Plainfield Township Open Space Plan (specifically- the final draft dated October, 2009) during a public meeting held on March 10, 2010 by way of official action to enact and ordain Plainfield Township Ordinance No. 341; and

WHEREAS, pursuant to an identified task listed in the 2021 Little Bushkill Creek Watershed Management 2021 Action Plan, which was prepared by the EAC and

approved by the Plainfield Township Board of Supervisors, the EAC and Township Manager prepared an amendment to the “Additional Ways to Preserve Open Space” section of the current adopted Plainfield Township Open Space Plan; and

WHEREAS, the EAC, pursuant to official action taken during a public meeting held on August 2, 2021, recommended that the Plainfield Township Board of Supervisors adopt the amendment to the “Additional Ways to Preserve Open Space” section of the current adopted Plainfield Township Open Space Plan as prepared by the EAC and the Township Manager (specifically- the draft revision dated August 3, 2021); and

WHEREAS, the Plainfield Township Planning Commission, pursuant to official action taken during a public meeting held on October 18, 2021, also recommended that the Plainfield Township Board of Supervisors adopt the amendment to the “Additional Ways to Preserve Open Space” section of the current Plainfield Township Open Space Plan as prepared by the EAC and the Township Manager (specifically- the draft revision dated August 3, 2021); and

WHEREAS, the Plainfield Township Board of Supervisors now wish to formally adopt, by ordinance, the amendment to the Plainfield Township Open Space Plan entitled, “Additional Ways to Preserve Open Space” (specifically- the draft revision dated August 3, 2021).

Comments were received from both members of the governing body and the public as follows:

- It was noted that the balance of the Open Space Plan is currently \$4,600,000.00- including the amount pledged towards the Farmland Preservation Program.
- Don Moore expressed the concern that the Planning Commission did not spend much time on this initiative. Don Moore also questioned whether the Environmental Advisory Council should have the final say on some of the items (at the beginning of the flow chart process). He indicated that if the scoring and criteria evaluation is conducted correctly, there may not be any issues, in his opinion. Mr. Moore also asked if there is a minimum qualifying score to preserve or purchase a property. Tom Petrucci indicated that it was not specifically quantified that way within the amendment; he indicated that each property would be scored on a case-by-case basis. Mr. Moore also had questions concerning the overall scoring process and when applications would be placed into the disapproval process. Tom Petrucci further clarified that each property would have to be evaluated on a case-by-case basis. In other words, a specifically defined number would not expressly guide whether an application would be approved or disapproved. Mr. Moore also questioned various numerations about the scoring totals. He postulated whether each

category on the Open Space Criteria Evaluation Form should have an established number of points. The categories each received overall total amounts of points to assign, as explained by Tom Petrucci. Tom Petrucci stated that the process may need to be fine-tuned in the future; he noted that the Township has never had the opportunity to conduct this process in this past. Solicitor Backenstoe reiterated and confirmed that the Township could revise the criteria in the future if it is determined to be necessary. The process could certainly be fine-tuned in the future, as needed. Solicitor Backenstoe stated that he was under the impression that the intent of the project was to establish a set of guidelines and criteria that is more informative than a group of Township officials making uninformed decisions with no established process. There will always be a certain element of subjectivity in the decision-making process, as human beings are making the final recommendations/decisions. The amendment is intended to provide the Board of Supervisors with a recommendation to act upon from the Environmental Advisory Council.

- Terry Kleintop stated that some of the categories are more important than others, and he questioned why these categories did not have more points assigned to them. For example, a Class 1 soil should have received more of a total maximum number of points than Class 2. Tom Petrucci explained that it would currently be up to the reviewer to assign those points. Mr. Kleintop also stated that the Planning Commission did not have much time to review the draft amendment. Tom Petrucci noted that the Planning Commission has experienced a voluminous number of subdivision/land development applications, and that has limited the time that the Planning Commission has had to review other projects or draft ordinances.

11. Consideration of Adoption: Ordinance No. 409- Open Space Plan Amendment-
“Additional Ways to Preserve Open Space:

ACTION: Motion was made by Joyce Lambert and seconded by Glenn Borger to approve Ordinance No. 409 as presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

(All comments received are listed above in the public hearing section).

Motion approved. Vote 4-0.

12. Consideration of Approval of Order: Plainfield Township Fire Company Aerial Tower Truck (Price Increase of 8% to 10% Effective 1/3/2022):

During the November 10, 2021 regular Board of Supervisors meeting, the governing body approved Resolution No. 2022-22, which formally committed one million five hundred thousand dollars (\$1,500,000.00) in the General Fund towards the purchase of an aerial fire truck apparatus for the use of the Plainfield Township Volunteer Fire Company.

The COSTARS price quotation for the aerial ladder/tower truck (Sutphen SPH 100 Mid-Mount Aerial Platform) is currently \$1,477,624.94. The current price will increase somewhere around 8-10% on January 3, 2022. This is a range of \$118,210.00 to \$147,762.49, and Tom Petrucci and Chief Cortezzo felt it was both of their fiduciary responsibilities to inform the Board of Supervisors of the January 3, 2022 price increase if the governing body is inclined to purchase the aerial truck. Any aerial truck ordered in 2022 would not arrive until 2023.

Stephen Hurni expressed the sentiment that the purchase of this equipment is preemptive due to the fact that the Fire Company would be seeking to replace its engine truck in the next few years at an estimated cost of \$840,000.00. Chief Cortezzo clarified that the purchase of this aerial tower truck would allow some front-line equipment to be placed in reserve, and to dispose of the department's oldest fire truck (3634), which would be sold at auction.

Tom Petrucci notified the Board of Supervisors that the current bylaws of the Fire Company expressly state that the equipment would revert to Plainfield Township in the event of the dissolution of the Fire Company; however, he stated that the dissolution process would be guided by Northampton County Orphans Court. Dave Backenstoe postulated that the Judge of the Orphans Court would likely look favorably upon returning the equipment back to the Township, which has a financial connection to the Fire Company, rather than disposing of the equipment to an external entity.

In response to a question by Stephen Hurni, Chief Cortezzo reported that the Fire Social Hall does in fact have a catering alcohol license. This license will be utilized during catering events.

In response to a question by Terry Kleintop, Tom Petrucci clarified that signing the purchase order before January 3, 2022 will lock in the current price. In other words, subsequent price increases will not impact the Fire Company's price. He would not recommend prepaying any portion of the equipment. There is a twenty percent (20%) contingency fund built into the specification; the Township may receive a portion of that amount back if it is not utilized.

Nolan Kemmerer questioned what other items are required to be purchased to outfit the aerial truck. Chief Cortezzo indicated that another ~\$100,000.00 in equipment expenditures is required, and that the Fire Company will assume responsibility for any ancillary items.

Adrienne Fors questioned how this purchase will trickle down to the residents. Tom Petrucci explained that this purchase is largely possible as a result of an accumulated fund balance in the General Fund. The factors that attributed to the fund balance surplus included the following: 1). Increased Earned Income Tax receipts; 2). Increased Real Estate Transfer Tax receipts; 3). Projects that have consistently come under budget; 4). Usage of grant funding to offset capital project expenditures; 5). Fiscal responsibility. These funds include a portion of Host Community funds and General Funds.

Jane Mellert noted that the Township has never outright purchased a fire truck for the use of the Plainfield Township Fire Company, to the best of her knowledge.

ACTION: Motion was made by Glenn Borger and seconded by Jane Mellert to approve the order of the Sutphen SPH 100 Mid-Mount Aerial Platform Tower Truck in the amount of \$1,477,624.94, subject to the execution of a Memorandum of Understanding/Purchase Agreement between Plainfield Township and the Plainfield Township Fire Company in a form that is acceptable to the Township Solicitor. The Township Manager and Township Solicitor will draft the Memorandum of Understanding/Purchase Agreement.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

13. Review of Draft Clean Fill Regulations Ordinance (prepared by Charlie Schmehl of Urban Research and Development Corporation):

The Board of Supervisors had received a copy of the draft Clean Fill Regulations Ordinance dated November 30, 2021. In addition, the draft regulations were posted on the Township website under the “Draft Ordinances” section. Tom Petrucci provided a brief overview of the ordinance as follows:

- The Township cannot supersede Pennsylvania Department of Environmental Protection (PA DEP) regulations concerning the use of clean fill material in the Township and the Commonwealth; however, the Township can assist PA DEP with confirming compliance with the Commonwealth regulations by imposing additional parameters for testing.

- The Clean Fill Regulations Ordinance is recommended to be adopted as a Zoning Ordinance (and not a Subdivision and Land Development Ordinance).
- At the one-hundred (100) aggregate ton threshold, a zoning permit is required to be completed by the earthmover.
- At the five-hundred (500) aggregate ton threshold, the Township is asking for an environmental analysis to be conducted by an independent laboratory to certify that the earthmover is meeting the PA DEP regulations. This will confirm that the clean fill being utilized is not contaminated. PA DEP does not have the staffing resources to actively monitor all fill operations. The earthmovers are required to designate an engineer of record for the project; said professional will have to sign off and seal all necessary reports and documentation (including truck manifests).
- The filling of water-filled quarries with clean fill material will require Special Exception Use approval from the Zoning Hearing Board; conditions may be attached to the approval (ex. well water quality tests for chemical contaminants if determined to be necessary by the Zoning Hearing Board).

Comments were received from both members of the governing body and the public as follows:

- Stephen Hurni stated that it was understanding that PA DEP is essentially pushing off the enforcement of their own regulations at the local level. Tom Petrucci clarified that there is no specific requirement for the Township to conduct these additional measures, but that the Township is going above and beyond to ensure that loads coming into the Township are not contaminated—primarily for the goal of ensuring that the filling of water-filled quarries are not impacting the water aquifer.
- Stephen Hurni questioned who is determining the seasonal high water level table. Tom Petrucci explained that this is a known and quantifiable measurement (the applicant would have to self-certify as to what constitutes the seasonal high water level table using a professional engineer or hydrogeologist).
- Stephen Hurni asked if the ordinance utilizes the Commonwealth definition for clean fill, and Tom Petrucci stated that was indeed the case (with the exception of water-filled quarries, which have a more restrictive definition).

- The violation penalty is up to \$1,000.00 per day under the provisions of the Second Class Township Code and the Zoning Ordinance and would be set by a judicial entity (most likely the Magistrate).
- Terry Kleintop identified the fact that this ordinance is aimed the safety and welfare of residents but is primarily focused on quarries. Tom Petrucci clarified that the main provisions of this ordinance primarily take effect for large quarry-filling operations (or any filling operation over five-hundred (500) tons).
- Nolan Kemmerer asked how this ordinance will impact residential properties. He expressed the sentiment that the one-hundred (100) ton aggregate threshold for only requiring a zoning permit filing is ambiguous. He stated that language should be added clarifying that the one-hundred (100) ton aggregate limit cannot be abused for each separate occurrence.

Review of the draft Clean Fill Regulations Ordinance will continue at the level of the Plainfield Township Planning Commission.

14. Review of Northampton County Farmland Preservation Program Appraisal/Estimated Township Share of Agricultural Conservation Easement:

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the local Plainfield Township easement purchase cost share, which is estimated at approximately \$196,000.00+/-, and the associated Appraisal Report for a thirty-nine (39) acre farm that is currently pending for preservation under the Northampton County Partnership Program.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop asked if the property will be preserved primarily using Township Open Space funds, and Tom Petrucci responded in the affirmative. It was also confirmed that these funds have been previously committed to the Partnership Program, and that this easement purchase will be drawn from the committed funds balance, thereby helping to lower said balance.

Motion approved. Vote 4-0.

15. Review and Analysis of Results – Plainfield Township Consumer Fireworks Survey:

Tom Petrucci reported that the Plainfield Township Consumer Fireworks Survey was completed, and that he considered the survey to be statistically significant based on the number of responses by residents (161). Generally, it appears that most

respondents were overall in favor of more restrictive regulations to be imposed than the current Commonwealth restrictions. Tom Petrucci noted that there did not appear to be duplicate IP addresses for the survey respondents.

Don Moore noted that the survey was not a random survey. Expressed in another way, respondents could have colluded together to submit their responses geared toward a certain sentiment, he observed.

Following the discussion which took place concerning this matter, the governing body directed Tom Petrucci to place this matter on the agenda of the next regular Board of Supervisors meeting. The matter will be placed on the agenda for discussion purposes only in order to receive direction on the next version of the draft ordinance.

16. Slate Belt Regional Police Commission/Plainfield Township Lease Agreement – Counter Offer Received from Slate Belt Regional Police Commission:

As confirmed by correspondence dated December 10, 2021 from the Slate Belt Regional Police Commission (SBPRC) Solicitor’s Office, the SBRPC submitted a counter proposal to the Board of Supervisors for a new (1) year Lease Agreement with no rent owed from the SBPRC to Plainfield Township for only the 2022 fiscal year (and with all other provisions of the current Lease Agreement expiring on December 31, 2021 remaining the same).

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to accept the counter proposal submitted to the Board of Supervisors by the SBRPC for a one (1) year Lease Agreement with no rent owed from the SBPRC to Plainfield Township for only the 2022 fiscal year (and with all other provisions of the current Lease Agreement expiring on December 31, 2021 remaining the same). Recognizing the short-term nature of a one (1) year Lease Agreement, the Board expressed the sentiment that this matter should reach a long-term resolution before the start of the 2023 SBRPC budget cycle (approximate timeframe of August/September, 2022).- recommending that discussions for the Lease Agreement beginning January 1, 2023 should commence near the beginning of the 2022 fiscal year.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop questioned whether each municipality views this regional department as the most efficient police department they could have in place. Jane Mellert stated that there was a recent major incident at the Pen Argyl Area School District, and she commended the Department for how the incident was handled. Terry Kleintop opined the fact that there are many instances where some of the municipalities comprising the Department appear to be nit-packing.

Jane Mellert and Stephen Hurni both expressed the sentiment that Plainfield Township has requested updates to both the Charter Agreement and the pension plan documents multiple times, but they have experienced adversity in getting these initiatives completed.

Stephen Hurni stated that the Chief of Police, who is Jonathon Hoadley, recently graduated the Northwestern University School of Policing with an extremely high G.P.A., and he expressed the sentiment that the Department will begin to reap the benefits of the Chief taking that course from an administrative standpoint.

Don Moore echoed the sentiments of Mr. Kleintop- expressing his concern over how some of the votes of the SBPRC have gone regarding major initiatives that need to be updated (ex. the Charter Agreement).

Nolan Kemmerer questioned the total annual cost of the former Plainfield Township Police Department, and it was stated that the cost was about \$1,300,000.00. Mr. Kemmerer commented that the cost of the Regional Department is roughly the same as what the Township was previously paying for its own Department. Jane Mellert stated that the costs will have exponentially increased over time due to the rising costs of benefits and wages. If you go back to the Regional Police Department studies, the cost will of course be less at that time.

Joyce Lambert questioned whether Pen Argyl and Wind Gap are still requesting another half year of the Lease Agreement rebate, and it was confirmed that request is not off the table at this time.

Jane Mellert reiterated the fact that the 2018 Lease Agreement was reviewed by the municipalities and their legal counsel, and she questioned whether their legal counsel had rendered opinions as to whether they could ask for additional funds outside of the provisions of that Lease Agreement. She also stated that the Department was formed over many years of compromise, and that there will be glitches from time to time. Overall, the Regional Department provides an improvement in police services to the communities of Plainfield Township, Wind Gap Borough, and Pen Argyl Borough.

Motion approved. Vote 4-0.

17. K9 Program Notification/Request from Slate Belt Regional Police Department:

Glenn Borger noted that the start-up costs of the K9 program are being funded by Waste Management; however, we wanted to ensure that everyone was aware that there are associated ongoing costs of the program, including the care of the animal, training, and veterinary costs. He also questioned whether the other two (2) municipalities have an understanding of the ongoing costs of the K9 program.

Stephen Hurni stated that it was his understanding that all three (3) municipalities would have to approve the program.

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to support the Slate Belt Regional Police Commission (SBRPC) and the Slate Belt Regional Police Department (SBRPD) moving forward with the proposed SBRPD K-9 Unit initiative in accordance with the presentation which occurred during the Tuesday, December 7, 2021 SBRPC meeting.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Terry Kleintop asked whether Wind Gap Borough and Pen Argyl Borough have taken action to move forward with the K9 program. Jane Mellert stated that Wind Gap Borough is in favor of the program and Pen Argyl Borough has additional questions. Tom Petrucci stated that the primary concern expressed by Pen Argyl Borough was whether or not the dog would in fact be a “bite” dog. Jane Mellert opined that it would make the most sense to have a combined bite/drug enforcement dog. The ultimate decision as to whether the animal will be solely a so-called “bite” dog, solely a drug enforcement dog, or a combined bite/drug enforcement dog will be at the discretion of the Department.

In response to a question asked by Don Moore, Solicitor Backenstoe clarified that a drug enforcement K9 in the schools could elicit a reasonable suspicion proceeding to search lockers, etc. for drugs.

Stephen Hurni confirmed that the funds are available from Waste Management during the 2022 fiscal year. The funds would be provided for both the dog and the special vehicle needed for the K9 unit.

The dog would reside with the K9 officer.

Motion approved. Vote 4-0.

18. Community Park Pavilion Project: Review of Concept Plan for Septic Drainage Area:

Due to the previous failed testing areas at Community Park, additional septic testing was required to be conducted by Allstate Septic Systems/Colliers Engineering for both a primary site and a reserve site, as directed by Tim Craven of the Pennsylvania Department of Environmental Protection. The reserve site will provide the long-term sewage needs for the Township as required by the sewage planning module. The reserve area should still be able to be farmed on.

The testing area has now moved closer to the northern tree line due to the shallow limiting zones in the failed testing area (14” was the test result near the southern tree line- you need 20”). Locating the drainage field in the location closer to the northern tree line will have the negative effect of adding infrastructure costs to this project.

The Plainfield Township Recreation Board also recommended that the Board of Supervisors should evaluate whether the proposed pavilion should still be located at the Community Park site factoring in the recent news that the Nazareth Borough Municipal Authority acquired the former Hower Farm and are planning to spread Class B biosolids on the property. Community Park (and the future proposed pavilion) may be impacted by the odors of the Hower Farm site, as the prevailing winds generally travel in a direction towards Community Park.

Tom Petrucci will arrange a meeting with Tony Borger, Glenn Borger, Jane Mellert, and Caroline Klein (Colliers Engineering) to review the relevant next steps concerning this project, including the final determination of the location of the proposed pavilion.

BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:

1. Planning and Zoning Report- November, 2021
2. Road Department Report- November, 2021
3. Fire Company and Ambulance Report- November, 2021
4. Recreation Board Report- November, 2021

ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to approve the November, 2021 Reports as listed and presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

SLATE BELT REGIONAL POLICE DEPARTMENT REPORT:

1. Slate Belt Regional Police Department Monthly Report- November, 2021:

ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to approve the November, 2021 Slate Belt Regional Police Department Monthly Report as listed and presented.

Prior to the vote, Vice-Chairman, Glenn Borger, asked if there were any comments from the governing body or the public.

Motion approved. Vote 4-0.

CITIZEN'S AGENDA/NON-AGENDA:

Quentin Gilbert- Mr. Gilbert expressed his concerns about the plan of the Nazareth Borough Municipal Authority (NBMA) to utilize the former Hower Farm property for the purpose of spreading biosolids. The concerns expressed by Mr. Gilbert are articulated as follows:

- Mr. Gilbert expressed the sentiment that property owners never really own their properties, as you are merely a steward of the land while you own and manage the property. Any problems you leave on the land will be passed on to subsequent generations.
- The use of Class B biosolids material is not solid by own its definition- citing the definition from the PennState Extension. As the sewage comes into the plant, the material is filtered. Biosolids is only in fact one (1) to twelve (12) percent solid.
- The spreading of Class B biosolids will discharge into local streams, creeks and rivers.
- Livestock manure has been spread on agricultural fields for hundreds of years but does not include the human waste pathogenic organisms or heavy metals that are found in sewage sludge. He referenced the many instances where heavy metals and other pathogens would be introduced into a public system versus a private system.
- In the last month and a half, the State of Maine Department of Inland Fisheries and Wildlife put out an order that required deer to be disposed of a landfill due to PFAS, which is a metal that does not diminish over time. The groundwater in the aquifer picked up the particles; this goes into the plants and then goes into the animals, thereby going into the food chain.
- He rendered suggestions to the Supervisors identified as follows: 1). Don't accept Class B biosolids; Class B biosolids should be placed into a landfill. Only Class A biosolids should be spread onto agricultural properties. 2). Delay any applications until an EPA evaluation of PFAS regulations is conducted. 3). Residents should conduct pre-evaluation water quality tests of their wells now as a baseline. 4). The Township should contract with a certified laboratory before it is applied, with the cost borne by the applicant.

After Mr. Gilbert concluded his presentation, Solicitor Backenstoe informed the governing body and members of the public in attendance that the Township is preempted by the Commonwealth of Pennsylvania Pennsylvania Department of Environmental Protection concerning the land use application of biosolids. In the instances where local municipalities have adopted ordinances regulating the land use application of biosolids, the Pennsylvania Attorney General has filed

lawsuits requiring these municipalities to repeal their ordinances. In some instances, municipalities have been fined.

Jane Mellert reported that herself, Terry Kleintop and Tom Petrucci had met with Senator Mario Scavello about three (3) years ago to provide recommendations on new legislation concerning biosolids. The legislation has since stalled, but it may be revisited in the future if there are enough concerns expressed by constituents about the land application of biosolids.

Solicitor Backenstoe encouraged interested residents to attend meetings of the Nazareth Borough Municipal Authority to express their viewpoints concerning the land application of biosolids on the Hower Farm property, as the Authority members have the direct ability to make a difference.

Jane Mellert stated that Pennsylvania and Texas are the largest generators of biosolids in the nation and emphasized the notable difference in land mass area between Pennsylvania and Texas.

Don Moore- Mr. Moore stated testing is conducted at the source. Annual reports are filed to the PA DEP, and these reports show the cumulative lifetime buildup of biosolids on the property. This information reconciles with what Mr. Gilbert was communicating- that the biosolids never truly go away. Mr. Moore also stated that the Authority is currently generating eight-hundred (800) wet tons of biosolids per year.

Terry Kleintop- Mr. Kleintop communicated his desires concerning the Hower Farm/NBMA project. They are listed as follows:

- Mr. Kleintop noted that Pennsylvania is in the process of approving more stringent PFAS regulations. He recommended that PFAS levels should be recorded by the NBMA- noting the fact that PFAS levels.
- Mr. Kleintop stated that the Township should conduct water quality testing of the tributary of the Little Bushkill Creek that runs through the Hower Farm property. This section was previously delisted, but the land application of biosolids has the potential to make this tributary an issue again.
- Mr. Kleintop recommended that the private wells in the vicinity should be tested now to establish a baseline. He also suggested that additional testing could be conducted on a regular basis.
- Mr. Kleintop recommended that soil testing should be conducted. Pennsylvania Spatial Data Access (PASDA) is an entity that could assist with this initiative.

- The costs of all additional parameters recommended or imposed by the Township should be borne by the NBMA.

In addition, Mr. Kleintop cited the fact that some properties where biosolids have been applied have created issues where crops are no longer able to be supported due to the high level content of metals which have accumulated over time in the soil. This is why it is so important to create parameters for water quality and soil testing.

In response to a question from Mr. Kleintop concerning what the Township could do from a legal standpoint, Solicitor Backenstoe responded that he reserves the right not to comment because of the readily identified litigation concerning this matter.

Don Moore- Mr. Moore stated that there are fifty-five (55) substances that are not being tested for under the current Environmental Protection Agency (EPA) standards. He also stated that the NBMA intends to spread the biosolids twice per year (once in the spring and once in the fall), and that there was a discrepancy between two NBMA officials as to whether a building structure is needed on the property to store biosolids.

Separate from the NBMA Hower Farm matter, Mr. Moore brought up the *Kneebone vs. Lutz* appeal that was recently heard by the Commonwealth of Pennsylvania Supreme Court. The key takeaway, in his opinion, was that the Plainfield Township Zoning Hearing Board must address the need for a hardship at the local level. It is his hope that the Zoning Hearing Board will properly evaluate hardship criteria in the future and receive competent legal advice from its Solicitor.

BOARD OF SUPERVISORS REPORTS:

1. **Glenn Borger, Vice Chairman-** Vice-Chairman Borger presented outgoing Supervisor Joyce Lambert with a certificate from the Pennsylvania State Association of Township Supervisors (PSATS) recognizing her years of service as a Supervisor for six (6) years. He also noted her twenty (20) plus years of service as Secretary for the Township, and he stated that Ms. Lambert was always very much informed concerning all issues taking place in the municipality. Ms. Lambert thanked the Board members, and she stated that she very much enjoyed working with the Board members in her time as both a Secretary and a Supervisor.
2. **Joyce Lambert-** No report.
3. **Jane Mellert-** Jane Mellert requested an executive session to discuss the possible acquisition of real estate. The executive session will be held following the conclusion of the regular Board meeting with no action anticipated to be taken by the governing body following the executive session.

4. *Stephen Hurni*- No report.

5. *Randy Heard, Chairman*- No report.

SOLICITOR’S REPORT- DAVID BACKENSTOE, ESQUIRE:

Solicitor Backenstoe did not have anything to report outside of the discussion which occurred during the meeting.

EXECUTIVE SESSION:

The Board of Supervisors held an executive session from 10:00 PM to 10:17 PM to discuss the possible acquisition of real estate. No official action was taken following the executive session.

ADJOURNMENT:

Having no further business to come before the Board of Supervisors, a motion was made by Joyce Lambert and seconded by Stephen Hurni to adjourn the meeting. The motion was approved unanimously.

The meeting adjourned at 10:18 P.M.

Respectfully submitted,

Thomas Petrucci
Township Manager/Secretary
Plainfield Township
Board of Supervisors