

**PLAINFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
SEPTEMBER 23, 2021**

The second regular monthly meeting of the Plainfield Township Board of Supervisors was held on Thursday, September 23, 2021 at the Plainfield Township Municipal Building, which is located at 6292 Sullivan Trail, Nazareth, PA 18064.

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, Jane Mellert, Stephen Hurni and Joyce Lambert. Chairman Randy Heard was excused from attending the meeting.

Also present was Township Manager, Thomas Petrucci.

**I. NEW BUSINESS**

1. Recreation Fund Expenditure Approval: Municipal Park Pavilion – COSTARS 014-223 - \$45,475.00

**ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to authorize a Recreation Fund expenditure in the amount of \$45,475.00 for the Municipal Park Pavilion project (COSTARS Contract No. 014-223).**

*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 Distribution of Volunteer Relief Association Funds to Plainfield Township Fire Company Volunteer Relief Association: \$38,602.36:

**ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to authorize the distribution of the 2021 Volunteer Relief Association Funds to the Plainfield Township Fire Company Volunteer Relief Association in the amount of \$38,602.36.**

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

Resident Chuck Piazza asked for an explanation of these funds. Tom Petrucci indicated that the amount of the funds are based on insurance proceeds in accordance with a formula distribution system that is established by the Commonwealth of Pennsylvania. The funds are audited by the Auditor General every two (2) years, and the funds must only be spent by the Relief Association for the use of the Fire Company on eligible pre-established items. The Relief Association is a separate non-profit organization from the Fire Company non-profit association. The Township serves as a pass-through organization for these funds.

**Motion approved. Vote 4-0.**

3. Review/Comment: 2021 Pennsylvania Association of Township Supervisors (PSATS) Proposed Bylaws Changes, Nominations and Resolutions:

The annual business meeting of PSATS is scheduled for October 15<sup>th</sup>. Direction is needed from the Board members for the Township's voting delegate, who is Jane Mellert, to provide input on and vote on the resolutions that are set for review during the business meeting.

Jane Mellert inquired as to why the PSATS bylaws language provides for only "unincorporated areas"; Tom Petrucci stated that municipalities are considered incorporated, so it is unclear why only unincorporated areas are identified.

Additionally, Jane Mellert inquired as to why treasurers are listed as eligible officials to participate on the PSATS executive board. Tom Petrucci postulated that the reason for this is that many municipalities may not have available officials ready and willing to volunteer for these positions. The addition of the treasurer position could be to give municipalities/PSATS more flexibility.

Glenn Borger stated that these are not questions that are able to be answered by the Township, so these should be asked during the PSATS business meeting.

Jane Mellert also brought up that one of the PSATS proposed resolutions (Resolution 21-5) request that the state legislature rewrite the State Fireworks Law to increase enforcement of existing rules, authorize municipalities to enact reasonable restrictions for safety and to prevent recurrent nuisance use of fireworks, and align professional display requirements with both the Uniform Construction Code and the International Building Code. Jane Mellert highlighted this resolution, because it was an ongoing topic of discussion in Plainfield Township (with a current draft ordinance being discussed by the

Planning Commission and Board of Supervisors), and it is clear that this a statewide problem.

4. Slate Belt Police Department Station Lease Agreement Expiring 12/31/2021: Review/Discussion/Potential Official Action:

During the Thursday, September 16, 2021 Slate Belt Regional Police Commission (SBRPC) meeting, the representatives from both Wind Gap Borough and Pen Argyl Borough approved official action (*note- Plainfield Township voted “no”*) to send a response to the Plainfield Township Board of Supervisors concerning the Township’s proposal for a new Lease Agreement for the police station. I was waiting for a formal written response from the office of the SBRPC Solicitor before sending this message out, but nothing has come through as of yet today.

The SBRPC response to the Township’s proposal is summarized as follows (the Township’s proposal is provided for reference and the SBRPC response is in ***bold italics***):

- Plainfield Township proposes a Lease Agreement with a term of five years and a rent amount per square foot of \$10.00 with no automatic rent percentage increases for the entire term of the Lease Agreement. Aside from the term and the rent amount, all other aspects of the 2018 to 2021 Lease Agreement dated January 18, 2018, including but not limited to the established rental area square footage figure of 3,766, would remain the same. ***Tentative Agreement***
- Plainfield Township proposes a credit period for the new Lease Agreement whereby the SBRPC member municipalities would not have to pay rent to Plainfield Township for the use of the Slate Belt Regional Police Department Police Station for one year. This credit would cover the entire 2022 fiscal year (January 1, 2022 to December 31, 2022). ***The SBRPC is still requesting an eighteen month rebate period and voted to not accept the one year rebate proposal of the Township.***
- Plainfield Township proposes to add a clause to the Lease Agreement which denotes that all maintenance costs will be calculated on an annual basis and any overage (the amount of the rent received minus the maintenance costs) will be refunded to the SBRPC member municipalities. Alternatively, it is proposed to add a provision whereby the SBRPC could vote on a refund of any payment overage or for the funds to remain in the police budget to reduce the cost to the municipalities for the following fiscal year’s budget. If the SBRPC is amenable to the overall concept of this provision- that any applicable future rent overages should be returned in a mutually agreed upon method, it is necessary for the Lease Agreement to define what constitutes maintenance costs versus capital expenditures. ***Tentative Agreement***

Separately, it was identified that a grant was submitted for the purchase and installation of a two bay garage for the use of either Plainfield Township or the Slate Belt Regional Police Department.

Glenn Borger inquired as to whether the Township billed the Commission when the additional lighting was requested by the Slate Belt Regional Police Department at the Municipal Building; Tom Petrucci responded that the Commission was not charged for the lighting.

Jane Mellert inquired as to why the municipal managers had never identified the lease overages in the past. She also stated that Plainfield Township has always tried to work with the Regional Police Department to make it feasible and palatable for the other municipalities- citing the fact that the cost allocation formula was changed multiple times. Stephen Hurni concurred with this expressed sentiment.

**ACTION: Motion was made by Stephen Hurni to give the Slate Belt Regional Commission the required eighteen (18) month rent-free period.**

**Motion did not carry due to a lack of a second.**

It was stated that the representatives of Pen Argyl Borough and Wind Gap Borough representatives strongly expressed the sentiment that they are entitled to the eighteen (18) month rebate period. Tom Petrucci stated that the resolution of this ongoing matter is not readily apparent if there is no give or take from either side.

Resident Paul Rinaldi Jr. inquired as to the nature of the dispute. Tom Petrucci responded that the overall argument of the Commission is that the Township charged the Commission rent, and then the actual expenditures relative to the operation and maintenance of the police station- factoring out any grant monies provided to the Township- resulted in revenue of approximately \$70,000.00 to the Township. The Lease Agreement did not feature a provision to address the occurrence of this issue. The Lease Agreement expires on December 31, 2021.

Stephen Hurni questioned whether it would be appropriate for a third party arbitrator to rule on this matter. Jane Mellert stated that the Commission should also factor in the cost savings relative to the lack of an increase to the rent amount for a period of five (5) years. Tom Petrucci cautioned the Board on the third party arbitrator matter, as the Solicitor was not present at the meeting, and Tom Petrucci recommended that the legal opinion of the Solicitor should be sought before making a decision.

Following the discussion which took place, the Board of Supervisors tabled this agenda item until the Wednesday, October 13, 2021 Board of Supervisors regular meeting.

**ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to table the Lease Agreement discussion until the opinion of the Solicitor can be sought and obtained.**

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

Don Moore inquired whether the Township could vote on the third party arbitrator matter. Glenn Borger stated that this can wait another two weeks until the next Board of Supervisors meeting.

Tom Petrucci pointed out that the only time sensitive matter is the approval of the 2022 Slate Belt Regional Police Department Budget, which currently includes the rebate of the rent amount for 2022. As long as the Board has no issues with the rebate for 2022, the delay should not hold up the budget approval process (the budget must be approved by the municipalities no later than November 1<sup>st</sup>).

Jane Mellert questioned what the original recommended amount of the rent was in the DCED study for regional policing in 2013. Tom Petrucci did not recall off-hand.

**Motion approved. Vote 4-0.**

5. Correspondence from Lower Nazareth Township – Proposed Legislation:

Lower Nazareth Township recently sent in correspondence to Senator Mario Scavello, Representative Ann Flood, and Representative Joe Emrick requesting an update to the Municipalities Planning Code (MPC). Specifically, there are identified deficiencies in existing Commonwealth land development planning regulations which have the effect of removing the autonomy and local decision making process from the elected and/or appointed community leaders of local municipalities. The question was posed to the Board of Supervisors whether they would be inclined to send similar correspondence.

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to send correspondence to Senator Mario Scavello, Representative Ann Flood, and Representative Joe Emrick requesting an update to the MPC, subject to the letter including a statement about the impact of development on the local costs of fire protection services.**

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

Don Moore questioned what was meant by “increased control over land uses”. Tom Petrucci stated that the request was to have a proportionate share of costs for the impacts

caused by specific developments (ex. transportation or fire protection services). The amount of the fee would be commensurate with the amount of the direct impact to the community. Don Moore questioned whether off-site improvements would be included, and it was pointed out that the specifics of the MPC update have not been articulated to date. The request is to have a committee to undertake a thorough review of these types of issues.

**Motion approved. Vote 4-0.**

6. Discussion on Municipal Building Phone System Replacement/Possible Official Action (State Contract/COSTARS Pricing in Effect Until 12/31/2021):

Tom Petrucci informed the Board of Supervisors that it was his opinion that a new phone system to be installed at the Plainfield Township Municipal Building/Slate Belt Regional Police Station would be eligible for American Rescue Plans Act (ARPA) funding. ARPA funding has been allocated to the Township by the federal government in the total amount of \$652,298.52. The use of the funds are restricted to specific eligible uses, which are still being defined. If the money is not spent, it must be returned.

The new phone hardware/software system would enhance the remote work option of the Township in accordance with the general directives of the program to respond to the specific challenges presented by the COVID-19 pandemic. Tom Petrucci postulated that the use of the ARPA funds may help the Township to take the cost of the phone system out of the equation of the ongoing Lease Agreement discussions with the Slate Belt Regional Police Commission, because it was a federal allocation that was not previously factored into Plainfield Township funds. Glenn Borger expressed the sentiment that the funds are still Plainfield Township funds.

A COSTARS price quotation for the replacement of the phone system was provided to the Board of Supervisors. The development of this price quotation was reviewed and discussed with Township employees as well as Pat Stonaker and Jonathon Hoadley of the Slate Belt Regional Police Department. The phone system could either be budgeted for 2022, or it could be added as a budget amendment resolution in 2021.

Following the discussion which took place, the Board of Supervisors tabled this agenda item until the Wednesday, October 13, 2021 Board of Supervisors regular meeting.

7. Consideration of Donation to Community Action Committee of the Lehigh Valley (CACLV):

The CACLV previously sent correspondence to the Board of Supervisors requesting a donation. It was identified that the organization offers many public services to residents of the Lehigh Valley, including subsidized housing, emergency rental assistance, and

emergency utility assistance. Following the discussion which occurred, the Board of Supervisors requested that Tom Petrucci conduct a review of the organization's filed 990 form and report back to the Board of Supervisors during the Wednesday, October 13, 2021 Board of Supervisors regular meeting.

8. Scheduling of Budget Special Meeting(s):

The special budget meeting to review the 2022 Proposed Plainfield Township Budget will be scheduled for Thursday, October 28, 2021 at 7:00 PM.

**CITIZEN'S AGENDA/NON-AGENDA:**

***Don Moore, Resident:*** Don Moore addressed the Board of Supervisors about the proposed Fireworks Ordinance of Plainfield Township. He had attended the Monday, September 20, 2021 Planning Commission meeting in which this topic was discussed. Mr. Moore expressed the following sentiments:

- The last year-and-a-half (*sic-* of the pandemic) has caused many people to struggle, and there is an increased emphasis on enjoying your quality of life and your property to maintain a positive mental health outlook. The increased use of fireworks has negatively impacted the lives of many residents, in his opinion.
- Mr. Moore also wanted to clarify that it was not his intent to merge the two separate issues of the shooting of fireworks and discharging of firearms. With respect to the latter, Mr. Moore feels he has sufficient recourse to address nuisance issues with firearms.
- Mr. Moore also highlighted the issue of the state legislature directing residents to consult with the Township for any problems with the use of fireworks when the legislature was responsible for the amendment to the fireworks law which is causing the impacts to quality of life. Generally, Mr. Moore also communicated his concerns with the Planning Commission members taking political viewpoints on this issue and the perceived lack of the Planning Commission members wanting to make a recommendation concerning the fireworks issue, in his opinion, during the Monday, September 20, 2021 Planning Commission meeting.

It was reported that the proposed fireworks ordinance will be placed on the Wednesday, October 13, 2021 regular Board of Supervisors meeting agenda. One of the items to be discussed will be whether or not to send a survey to Plainfield Township residents concerning this matter.

Stephen Hurni stated that the Township needs to come up with a method to obtain more input from residents that do not attend Township meetings.

Jane Mellert noted that the Planning Commission was split on the fireworks issue. She also identified the fact that there was a recent incident in the Township where a resident was very distressed by the discharging of fireworks, and this resulted in criminal activity. This highlights how the issue is impacting people directly, and this is a concern to her as a Board member.

***Wanda Gruber, Resident:*** Wanda Gruber identified the fact that Stockertown Rod and Gun Club members do not discharge firearms in the evening. Mrs. Gruber is a member of the Rod and Gun Club, and she stated that the use of the shooting range after dark is prohibited.

**BOARD OF SUPERVISORS REPORTS:**

1. ***Randy Heard, Chairman-*** Not in attendance.
2. ***Glenn Borger, Vice Chairman-*** Nothing to report.
3. ***Joyce Lambert-*** Nothing to report.
4. ***Jane Mellert-*** Nothing to report.
5. ***Stephen Hurni-*** Nothing to report.

**ADJOURNMENT:**

Having no further business to come before the Board of Supervisors, motion was made by Glenn Borger and seconded by Stephen Hurni to adjourn the meeting.

Motion approved. Vote 4-0.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Thomas Petrucci  
Township Manager/Secretary  
Plainfield Township  
Board of Supervisors