

**PLAINFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
OCTOBER 10, 2018**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, October 10, 2018 at the Plainfield Township Municipal Building, 6292 Sullivan Trail, Nazareth, PA 18064.

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, and Stephen Hurni. Supervisor, Joyce Lambert, was excused from the meeting.

Also present were Solicitor, David Backenstoe, Esq., Treasurer, Katelyn Kopach, Township Engineer, Michael Kukles, and Township Manager, Thomas Petrucci. Administrative Assistant, Paige Gerstenberg was excused from the meeting.

**I. SECRETARY–THOMAS PETRUCCI:**

1. Approval of the August 23, 2018 Workshop Board of Supervisors Meeting Minutes:

This matter was tabled due to the lack of quorum.

2. Approval of the September 12, 2018 Regular Board of Supervisors Meeting Minutes:

**ACTION: Motion was made by Jane Mellert and seconded by Glenn Borger to approve the September 12, 2018 Regular Board of Supervisors 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 4-0.**

3. Agricultural Security Area Creation Proposal Received October 3, 2018: Tax Map Parcel ID# G9-12-7 (96.55 acres)- Request for Advertisement of Public Hearing:

Township Manager, Tom Petrucci, stated that the Township has received an application on October 3, 2018 for an Agricultural Security Area Creation proposal located off of Capp Road in Plainfield Township. Mr. Petrucci asked for the approval of advertising for a public hearing regarding this matter. The acreage was incorrect on the application, and has been corrected to 96.5 acres. Solicitor, David Backenstoe, will draft a resolution.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Glenn Borger to approve the advertisement of a public hearing for creating an Agricultural Security Area for Tax Map Parcel ID# G9-12-7 with a total of 96.55 acres. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.**

4. Miracle League of Northampton County Funding Request:

**ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to add the Miracle League of Northampton County Funding Request into the 2019 budget. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.**

5. Walk 4 Ramsay Event- November 10, 2018 (1:00 P.M. to 2:00 P.M.):

Township Manager, Tom Petrucci, noted that a walk will take place on November 10, 2018 from 1:00 P.M. to 2:00 p.m. Nicole Ramsay struck by a car in Bethlehem Township. The residents are holding this walk for a fundraiser as Ms. Ramsay is still in critical condition. This group is a very loosely organized group of individuals. They are requesting the approval from the Board for the event to take place on public roads. The Township questioned whether they would be willing to provide an indemnification/hold harmless agreement. They have also provided a map of the route that they would be taking.

**ACTION: Motion was made by Glenn Borger and seconded by Chairman, Randy Heard, to approve the use of public roads in Plainfield Township for a fundraiser for Ms. Nicole Ramsay. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.**

**II. TREASURER – KATELYN KOPACH:**

1. Approval of the September, 2018 General Fund Disbursements (\$290,675.88):

**ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the September, 2018 General Fund Disbursements in the amount of \$290,675.88). Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.**

2. Approval of the September, 2018 Treasurer's Report:

**ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the September, 2018 Treasurer's Report 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 4-0.**

3. Bushkill Stream Conservancy Funding Request:

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Glenn Borger to approve the donation request of \$250.00 for the Bushkill Stream Conservancy Fund. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

**III. TOWNSHIP ENGINEER – MICHAEL KUKLES:**

1. Batts Switch Road Culvert Replacement: Application & Certification for Payment #3:

Township Engineer, Mike Kukles, stated that the Batts Switch Road Culvert has been recently completed. The road has been repaved and has been in use for at least a week and half. He has received a request letter from CMR Construction dated October 14, 2018 for the final payment for the project. The final check amount will be \$37,875.64 which includes previous retainage.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Glenn Borger to approve the final payment to CMR Construction in the amount of \$37,875.64 contingent upon receipt of acceptable record drawings from the contractor, receipt of the 15% maintenance bond for 18 months and approval of any payroll certifications by the Township Manager and the DCED. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

**IV. TOWNSHIP MANAGER – THOMAS PETRUCCI:**

1. Request to Lower S.R. 512 Speed Limit – 40 MPH to 35 MPH (Senator Mario Scavello in attendance):

Township Manager, Tom Petrucci, stated that the Township received a request from Senator Mario Scavello requesting the Board of Supervisors to consider lowering the speed limit on the stretch of S.R. 512 within Plainfield Township from 40 MPH to 35 MPH. Changing the speed limit to 35 MPH would make the speed limit uniform across the municipality lines on S.R. 512.

Senator Scavello stated his thoughts on the matter. He mentioned the Township receiving a speeding sign which measures the speed vehicles are going. If the speed of the vehicle exceeds the speed limit, the sign will flash.

PennDOT will need to approve the request, but the formal request to change the speed limit will need to come to the Plainfield Township Board of Supervisors. Any equipment that will be purchased by the Township, Senator Scavello will be attempting to retain a grant in order to pay for any equipment purchased. Supervisor, Jane Mellert, questioned Senator Scavello if there were any complaints of vehicles speeding in this area. Senator Scavello noted that he has received multiple complaints especially of uncovered vehicles speeding.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Glenn Borger to send a formal request to PennDOT changing the speed limit on S.R. 512 from 40 MPH to 35 MPH and to have Township Manager, Tom Petrucci, explore the products and installation costs of signs. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

2. Ordinance No. 390- Appalachian Trail Protection Provisions:

Ordinance No. 390 is an ordinance that includes provisions regarding tree protection and timber harvesting, light and glare control, billboards, sign illumination, noise control, solar energy systems, wind turbines, mineral extraction, mobile home installation, planned residential developments, conservation development, conditional and special exceptional use standards, outdoor commercial recreation, wireless communication facilities, the transfer of development rights, setbacks from pipelines and natural gas, compressor stations, water extraction and compliance with state Act 24 of 2008. This act is a state law which compels municipalities to adopt ordinances to protect the Appalachian National Scenic Trail Corridor. Plainfield Township has advertised a public hearing in accordance with the Municipalities Planning Code and has also been advertised for the adoption of this ordinance if the Board of Supervisors were so inclined to do so.

3. Ordinance Number 390 (PROPOSED/ADVERTISED): Public Hearing:

Any objections or concerns from the public will be heard at this time. Mr. Charles Schmehl introduced himself to the public. Mr. Schmehl added that a grant was awarded for this ordinance. Mr. Schmehl stated that the main issue is to preserve the trail corridor to maintain the natural scenic and environmentally sensitive area. At the same time that this project was underway, Plainfield Township identified other areas that need to be corrected or changed. Such matters that the Township identified included relating manufactured home installation to state requirements. Most items within the ordinance deal with environmental issues.

Supervisor, Stephen Hurni, requested that Mr. Schmehl identify the location of the Appalachian Trail Corridor on a map for residents in attendance. A major part of this ordinance included timber harvesting. With current provisions, there was a loop hole that was identified. The current provisions emphasize tree harvesting in the area of Grand Central Woods which is located west of the Grand Central Landfill. The committee ended up emphasizing ecologically important areas for most of the timber harvesting provisions along the Little Bushkill Creek and the trail corridor as opposed to overregulating the smaller and more isolated patches of woods. The new provisions are to control tree cutting and forestry, not to prohibit them. Sustainability in forested land was a major goal.

Such changes include timber harvesting, glare control for spillover, wind turbines, solar items, signs (including digital signs), and trucking impacts. Mr. Schmehl added that the majority of the primary area is already owned and regulated by Pennsylvania or Federal Government. The primary area would have provisions that prohibit clear cutting, controls on hazardous materials storage, parking, no mining, and no communication towers. The secondary area will also have limitations on clear cutting, parking and no commercial or industrial buildings. The final major provision within this ordinance is pipeline setbacks. The Township cannot specifically regulate the placement of pipelines, however, this can be done in other ways in order to protect residents which include adding provisions for setback requirements from pipelines for new home construction, schools, prisons, and other structures, especially those who cannot evacuate freely.

Mr. Schmehl completed his overview of the current proposed draft of the Appalachian Trail Ordinance. He opened the floor to the residents for questions, comments, and concerns. Chairman, Randy Heard, questioned about the line where the secondary district starts in the Township. Mr. Schmehl noted that the secondary district line was now moved so it does not infringe on industrial or commercial districts. Both the primary and secondary districts are only located within the Farm and Forest Zoning Districts and the Blue Mountain Conservation Zoning District.

Supervisor, Stephen Hurni, questioned Mr. Schmehl on what the circumstances would be in which Plainfield Township authorizes the removal of trees. Mr. Petrucci stated that if there were trees encroaching on the road that would be deemed a public health/safety hazard and would be removed by the Township. Mr. Hurni stated that many of the words within the ordinance are mutually mystifying and can hold the potential for a lawsuit. Mr. Schmehl stated that in these situations, the timber harvesting provisions do not apply. If for any reason a property owner is instructed by government to remove a tree, they must do so. In most instances, it would be either the Township or PennDOT who would be contacting the property owner for the removal of any trees on their property that are deemed unsafe.

Within this ordinance, both native and invasive species are addressed. One major invasive species that is currently present in the Township is the Spotted Lantern Fly. Resident, Terry Kleintop, stated that within each County, there is a forester that is in charge of that area. Mr. Kleintop recommended that the Township start taking advantage

of the designated forester for Northampton County. Supervisor, Stephen Hurni, questioned if it would be possible to have the word content of the ordinance to be tested in order to determine what level of education is determined in order to fully understand the wording in the ordinance. Mr. Hurni is concerned with this ordinance as he believes it is difficult for one to read and understand. Additionally, the ordinance is very lengthy as well. Mr. Hurni added that he is not in favor of the timber harvesting section of the ordinance since there are mutually mystifying words within the ordinance.

Township Manager, Tom Petrucci, stated that the Township has received a letter dated October 5, 2018 in reference to Ordinance No. 390 from Attorney Elizabeth Witmer who represents Waste Management. The letter specifically addresses the timber harvesting provision of the proposed regulations. Solicitor, David Backenstoe, stated that the letter explains the concern for the timber harvesting provision as it will hinder their ability to further develop their property as a result of the inability to clear cut trees. Chairman, Randy Heard, questioned Waste Management's intentions for the future. Representative from Waste Management, Mr. Scott Perin, stated concerns with the setbacks that have been established within the ordinance along the trail. He stated that this provision will impact a lot of properties within the Township. Currently, the setback in the proposed ordinance is set at 3,000 feet. Chairman, Randy Heard, questioned why this setback measurement was set at 3,000 feet. Mr. Schmehl stated that this was only recommended by the Appalachian Trail Conservancy and can be changed if the Board were inclined to change the footage of the setback.

In reference to the letter received by Attorney Witmer, Attorney Backenstoe mentioned that the letter brings attention to some concerns of vagueness within the proposed ordinances. Attorney Backenstoe added that it is his recommendation to the Board that they do not adopt the proposed Appalachian Trail Ordinance tonight, and evaluate the provisions that were addressed within Attorney Witmer's letter.

Mr. Tom Shaughnessy was present on behalf of J.G. Petrucci Company. Mr. Shaughnessy stated that they own many industrial properties within the Township including Techo Bloc. He mentioned that this ordinance would greatly hinder their ability to develop their remaining properties. This would also hinder possible tax revenue, jobs for residents in the Township, and many other benefits that come along with developing property. Additionally, Mr. Shaughnessy believes the ordinance is too broad for what it is intended to regulate. In reference to the Special Exception Use Standards, the meaning of this section is unclear. J.G. Petrucci understands and respects the need for protecting the trail and surrounding properties, however, they asked for more ample time to review the provisions and have the opportunity to meet with representatives of the Township in order to discuss the ordinance at length.

Mr. Scott Lacey stated that he lives within the secondary district of the proposed ordinance. He questioned the Board on if he would be authorized to cut down a few trees around his home if the ordinance were to be adopted. Mr. Charles Schmehl noted that there are many sections provided in the ordinance which state exceptions for tree cutting. For instance, if there are a number of trees that are being removed, but are below a

certain number, the removal of those trees would not be regulated. Such exceptions include cutting a maximum of 10 trees down within a 24 month time period. Trees that are below eight inches (8') in width are not regulated. Additionally, a maximum of 10 trees greater than eight inches (8") in width per acre can be removed from the property. Other instances include when trees are infested with invasive species, or are damaged, etc. Mr. Schmehl stated that the goal of the timber harvesting section was to have a healthy harvest of trees, and healthy trees to remain in their place.

Mr. Ray Heater lives on Constitution Avenue. He stated that other than the letter from Township Manager, Tom Petrucci, regarding the ordinance, he never received any correspondence of the proposed ordinance. Mr. Petrucci stated that the residents had the option to contact the Township for a copy of the drafted Appalachian Trail Ordinance. Mr. Petrucci added that this statement was included within the letter. Mr. Heater asked the Board not to adopt the ordinance until he has ample time to review the proposed ordinance.

Mr. Pete Albanese is a Plainfield Township resident. He questioned Mr. Schmehl on who purchased the old water company property. Mr. Schmehl stated that the property is now owned by the Fish and Wildlife Service which is an entity of the Federal Government. Mr. Schmehl added that the main limitations to this land is that there can be no construction of commercial or industrial buildings. Mr. Albanese stated that the footage from the trail extends beyond 3,000 feet. Mr. Schmehl stated that the maximum footage from the Appalachian Trail is 3,000 but in other areas, it is less than 3,000 feet. Mr. Albanese added that the footage from the Appalachian Trail is needed in some areas, but in other areas of the Township, it is unnecessary to have that long of a distance from the Trail to have such provisions and limitations. Mr. Albanese does not want to have such strict restrictions that far away from the Appalachian Trail which is located within residential areas.

Mr. Albanese also mentioned about new home construction and whether this ordinance would make it more difficult for those new owners to build a home. Mr. Schmehl noted that tree regulation takes place everywhere. However, tree cutting is allowed for building new homes. Although there are restrictions, this scenario is much different than other land development possibilities. For instance, if a property owner were to build a home on a lot with these provisions, they would just need to submit a Site Plan to the Township showing the area of trees that need to be removed due to the construction of the home. Solicitor Backenstoe added that these regulations with new home construction has been a part of the Plainfield Township Ordinance for years, and this new ordinance is not changing those requirements that were already previously implemented. Currently, for new home construction on Constitution Avenue, the property owner would only need to fill out a Building Permit and Zoning Permit and submit it to the Township. This new ordinance would then require property owners on Constitution Avenue to submit a Site Plan which would detail which trees would be removed and which trees would then be staying in addition to the Building and Zoning Permit applications. Mr. Albanese noted that this is his main concern. He believes that this ordinance creates a burden for a lot of individuals within the Suburban Residential Zoning District that is unnecessary.

Resident, Don Moore, expressed similar concern. Mr. Moore also stated that although the Appalachian Trail Conservancy provided the Township with a grant for the creation of an ordinance which is to serve as protection of the Appalachian Trail, the Township does not need to follow each recommendation from them. He noted that the footage for setbacks from the trail seems to be a little excessive.

Mr. Nolan Perin, provided the Board of Supervisors with a printout of his testimony for the meeting. Mr. Perin stated that he has reviewed the state laws in reference to the Appalachian Trail. He stated that this proposed ordinance being discussed tonight far exceeds the provisions within the state regulations. Mr. Perin stated that anyone who reads the ordinance would need a college education and related background expertise in order to fully read and understand the ordinance. He added that the adoption of this ordinance will not only decrease the value of his personal property that he owns in the Township, but it will also decrease the value and functionality of the other properties that he owns within the Township. Mr. Perin also noticed inconsistencies with the notice that was given in the mail versus what was published within the Express Times. The inconsistencies that he noted lies within the location of the secondary and primary districts of the Appalachian Trail Ordinance.

Mr. Perin concluded by stating that he is personally out of over 2 million dollars in property tax expenses for his current properties that he owns within Plainfield Township. He added that because of the consideration of adoption for this type of ordinance, a possible developer is now reconsidering their plans for developing within Plainfield Township. Mr. Perin is not happy with this ordinance and is not in support of the adoption. Chairman, Randy Heard, questioned Mr. Perin on how much of his land in the Township will be affected by this possible ordinance adoption within the 3,000 feet setback requirement area. Mr. Perin responded with approximately 45 acres. Mr. Perin has serious concerns with how the proposed ordinance was advertised and in general, the complications this causes the residents in the Township. He added that there will be additional funds that property owners will need to put out in order to develop or build anything within the portion of the Township being affected.

Mr. Perin would like to see that all property owners within Plainfield Township receive notification about possible ordinances especially considering that there are not many newspapers that are around this area anymore. He noted that many individuals learn information from Facebook and other forms of communication, but the newspaper is not heavily used anymore. Although Mr. Perin came in to the Township to speak with Mr. Petrucci and Mr. Schmehl directly with his lawyer in reference to his concerns on the ordinance, he feels as though it was a waste of his time. Mr. Petrucci explained that all concerns brought by Mr. Perin and his legal counsel were addressed at the meeting. However, Mr. Petrucci, nor the Township, had the list of concerns that was provided to the Board today. This list consisted of new concerns brought on by Mr. Perin.

Mr. Don Moore added that the Environmental Advisory Council (EAC) has discussed and went over this Appalachian Trail Ordinance in great length. He also noted that the meetings were all public and that the minutes are available for residents to review in

reference to their discussions on the ordinance. Mr. Moore noted there were many things that the EAC came across during their discussions. With reference to some of the paragraphs within the proposed ordinance, Mr. Moore stated that words such as “encourage” were used in order to notify residents of such information that is available to them. These words were not intended to confuse anyone, but rather to help residents with the process. The verbiage within the ordinance can be changed in order to make the content more clear so that way the residents do not think that they are required to do something rather than being encouraged to. Mr. Moore agreed that there are many sections to this ordinance, but it was done in completeness.

Mr. Scott Perin questioned Mr. Moore on what major projects he has done within the Township. Mr. Moore noted that his home was the only major project that required permits. Mr. Perin stated that the building permit process goes from 6-10 months to approximately 18-24 months with this new ordinance. He added that this ordinance is scaring developers to come into the Township because the Township is adding language that is very subjective within the ordinance. There is a major cost issue that will be created if this ordinance were to be adopted. The Township would most likely need to hire an additional consultant specifically for timber harvesting and related construction activities. In addition to that, Mr. Scott Perin stated that the Township’s Engineer would provide their comments on the plan, and the applicant would have their own comments/opinions on the plan that they submitted. This could become a very lengthy process.

It was asked of Mr. Schmehl to provide examples of agricultural uses that would be prohibited. Mr. Schmehl noted that the only use he has found that would be prohibited within the overlay that is currently allowed is agricultural industry. Part of the concern with this, as Mr. Schmehl stated, is that part of the agricultural industry could be very broad that include things that the Township does not currently envision. Chairman, Randy Heard, asked for examples of these instances. Mr. Schmehl stated that the ordinance specifically calls out the processing of agricultural products and the storage of agricultural products. If it is an accessory to a farm, then that does not qualify as a principal use. Therefore, if a property owner has a farm, and then has the use of processing/storage of agricultural products, then that property owner will not be affected by this section of the ordinance. Mr. Schmehl is unaware of the entirety of what property owners may attempt to put under that specific term in the ordinance in order to qualify to be exempt from this provision.

In reference to the clear cutting provisions, Mr. Schmehl stated that these provisions only apply to the designated areas. This includes Grand Central Woods and along the trail which runs along Little Bushkill Creek. Township Manager, Tom Petrucci, added that the overall provisions apply to every district because the Township is required to under the Municipalities Planning Code (MPC). Timber harvesting must be permitted within every zoning single district within Plainfield Township. Additionally, trees located where homes, driveways, and other related proposed structures are able to be removed as these are all permitted structures and this ordinance would not prohibit the removal of the trees in those designated areas. Therefore, wherever a property owner propose to place a

building/install improvements, they will be permitted to remove those trees in that area after the approval has been given to that property owner by the Township and necessary agencies.

Mr. Schmehl stated that number 1 on page 11 should be added to the list of items that are to be reconsidered.

Mr. Terry Kleintop, resident of Plainfield Township, is also on the EAC. He stated they, the EAC members, tried very hard to cover all aspects of this ordinance. He noted that it is difficult to read and he apologizes for this. He does not believe that the ordinance is as strict or negative as the residents currently feel it is. He added that once it is clearer and can be understood to its fullest potential, this ordinance would be viewed in a different manner. Mr. Petrucci added that it was not the intent to be as grievous as the wording is making it seem to be. Such language will be clarified. He also noted that the EAC and Mr. Charles Schmehl worked hard and long hours on this ordinance and they attempted to make it as balanced as possible. Mr. Petrucci stated that the Township will readjust the ordinance.

Mr. Nolan Perin agreed that the provisions for the digital signs and the lighting provisions in relation to the signs are understandable and needed. However, he does not understand why there needs to be all of the other provisions that were also included within the ordinance. Mr. Schmehl noted that there are currently provisions for tree cutting that is under the ordinance in place already. Since those provisions have been put in place, there are things that property owners have done on their properties that the Township was not in favor of. Hence, this is why there are additional provisions being proposed with respect to this issue.

Mr. Pete Albanese mentioned a few more points for the Township to address. On page 11, he mentioned that item number three (#3), states that the Planning Commission or Board of Supervisors may warrant the Zoning Officer to review the material. Mr. Schmehl added that this provision is not necessary and could be removed if the Township were inclined to do so. Item F was also discussed. Mr. Albanese did not approve of the wording "substantial consideration". Mr. Schmehl stated that this too is something that the Township may consider looking at. There will be many sections that the Township will review and reconsider, including the items mentioned by Waste Management. Mr. Albanese also questioned what a watercourse is within Plainfield Township. Mr. Schmehl noted that there are blue lines located on the Zoning Map of Plainfield Township and those blue lines are considered to be watercourses. Mr. Albanese stated concerns with setbacks from the watercourses, the trail, and other related setback requirements as set forth by the Township. He added that on behalf of the Green Knight Economic Development Corporation, they went through a lot trying to build their facility and they constantly had to put a lot of money and time to get it accomplished. He was less than pleased with the amount of hoops they had to go through as the applicant in order to accomplish what they were proposing. He added that with other future plans for that property, including putting up digital billboard. Mr. Albanese said that if this ordinance were to be adopted, this would completely prohibit them from putting up those

billboards, even after there were signs already there from when they originally purchased the property.

Chairman, Randy Heard, asked Mr. Nolan Perin about the potential buyer/developer for his land. Mr. Heard wanted to know if it would possibly be for agricultural uses. Mr. Perin stated that their intent was not an agricultural use. Mr. Perin does not understand why the Township needs to adopt the ordinance as the timber harvesting provisions are not necessary. Mr. Heard added that cutting down many trees can sometimes create stormwater issues on the property and surround properties. These things need to be regulated because of those potential issues.

Financial issues were also discussed when proposing new land developments and that previously, the developer had put in more money than was originally budgeted for the expenditure. After putting out a large sum of money, the developers backed out of the land development plan.

Solicitor, David Backenstoe, noted that the hearing will now be concluded. He added that the EAC has put in hundreds of hours in order to rectify many identified issues within the township in regards to the subject matter of the ordinance. Based on the comments from the public, Solicitor Backenstoe stated that the way the ordinance was produced, it is misleading on the intent of the ordinance. Additionally, this ordinance is very complicated and lengthy. He believes that the EAC has done its best on taking it upon themselves in attempt to address current issues within the Township. The EAC worked with state representatives, county representatives, and forestry specialists in order to gain insight on how to appropriately address the concerns at hand. Solicitor Backenstoe stated that he does not believe that the proposed ordinance was misleading in the sense that they were attempting to sneak anything through or anything else in that nature. He added that the EAC was attempting to be as comprehensive as possible. Based on the comprehension, it is clear that this ordinance will affect people. This is the reasoning for holding a public hearing so that way the public can be heard on their thoughts, objections, and concerns. The concerns and objections brought to the meeting were reasonable and will be addressed. All members of the public in attendance, including the letters that were sent by Attorney Elizabeth Witmer on behalf of Waste Management, and the letter provided by Mr. Nolan Perin at the meeting, provided great insight on the proposed ordinance. The ordinance will be further reviewed and corrected by the Board of Supervisors and Mr. Charles Schmehl. Solicitor Backenstoe added that all items addressed earlier in the meeting may not all be addressed, however, there are some points that need to be considered and possibly rewritten/clarified/alleviated.

Mr. Terry Kleintop concluded by stating that in the past, there were a few parcels in the Township that were clear cut. There were many calls to the Township which expressed disapproval of this action. Many residents in the Township were not happy to see the clear cutting take place. This incident, including many others, is the reasoning for provisions such as the ones that are being proposed.

4. Ordinance Number 390 (PROPOSED/ADVERTISED): Consideration of Adoption:

Based on the concerns brought to the Board of Supervisors attention, changes will be made to this ordinance prior to any consideration of adoption.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to table this matter for the next regular Board of Supervisors meeting. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.***

Supervisor, Stephen Hurni, questioned whether 90 days will be ample time in order to make the changes that need to be made to the ordinance and to also go in front of the appropriate boards/commissions after those changes have been made. Solicitor Backenstoe stated that if any changes were to be made to the proposed ordinance, the ordinance would need to be advertised again and the process would need to restart. Mr. Charles Schmehl stated that the Township should first attempt to address the issues within 30 days first.

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

5. 2019 Preliminary Budget (Scheduling of Budget Special Meetings; Special Meeting Needed to Approve Slate Belt Regional Police Department Budget by October 31, 2018):

Township Manager, Tom Petrucci, requested to advertise for Special Board Meetings to be held on October 25, 2018 at 7:00 P.M. and November 1, 2018 at 7:00 P.M in order to review the proposed Plainfield Township Budget. He added that the meeting held on October 25, 2018 will also include the consideration of the Slate Belt Regional Police Department Budget.

**ACTION: Motion was made by Jane Mellert and seconded by Chairman, Randy Heard, to hold a special meeting on October 25, 2018 and November 1, 2018 at 7:00 P.M located at the Plainfield Township Municipal Building. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

6. Resolution #2018-21: Administrative Policy on Appointments to Boards and Commissions:

Mr. Petrucci stated that this resolution will provide the Board of Supervisors with a policy for appointments and reappointments to Boards and Commissions of Plainfield Township. This policy will provide the ability to waive term limits for Board and Commission positions.

Supervisor, Jane Mellert, questioned whether the Board is in favor of the limit on terms and whether this would include the Slate Belt Regional Police. Township Manager, Tom Petrucci, stated that he does not believe it would include the police department as this would be for appointed positions only and does not include elected positions. Ms. Mellert

requested that this policy also require that any individual taking on a position must possess the willingness to attend training.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve resolution #2018-21 which will amend the Administrative Policy on Appointments to Boards and Commissions. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

7. Resolution #2018-22: Hazard Mitigation Plan Update Approval (TENTATIVE):

Township Manager, Tom Petrucci, noted that FEMA has adopted the Hazard Mitigation Plan. In order to stay compliant with FEMA, the Township must adopt this by resolution by tonight at 11:59 P.M. If the adoption does not occur, the entire Lehigh Valley will not be in compliance with FEMA.

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the Hazard Mitigation Plan. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

8. Appointment of Temporary Road Department Foreman (Effective August 23, 2018):

**ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to appoint Mr. Jim Ackerman as a Temporary Road Department Foreman effective on August 23, 2018. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

9. Disposition of Township Personal Property (Section 1504 of Second Class Township Code- Approval to Advertise on Muncibid: 1994 Caterpillar Wheel Loader, 2001 Worthington Trailer, 2000 John Deere Mower:

**ACTION: Motion was made by Glenn Borger and seconded by Chairman, Randy Heard, to advertise a 1994 Caterpillar Wheel Loader, a 2001 Worthington Trailer, and a 2000 John Deere Mower on Muncibid. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.**

10. Approval of 2018 Polaris Ranger Crew 900 XP Crew Utility Task Vehicle and 2019 Bri-Mar Utility Trailer Vehicles Lease Agreement with Slate Belt Regional Police Department:

**ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the 2018 Polaris Ranger Crew 900 XP Crew Utility Task Vehicle and 2019 Bri-Mar Utility Trailer Vehicles Lease Agreement with the Slate Belt Regional Police Department and to authorize Chairman, Randy Heard, to sign the**

**agreement. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.***

11. Approval of Draft Ordinance Advertisement: Amending the Slate Belt Regional Police Department Charter Agreement for the 2019 Fiscal Year:

Township Manager, Tom Petrucci, stated that this ordinance has been developed in order to amend the Slate Belt Regional Police Department Charter Agreement. Within section V of the agreement, the operational cost formula is now  $.35W+.30X+.30Y+.05Z$ . Mr. Petrucci added that his understanding is that there will be an approximate \$20,000.00 increase.

**ACTION: Motion was made by Stephen Hurni and seconded by Chairman, Randy Heard, to approve the Draft Ordinance Advertisement which is amending the Slate Belt Regional Police Department Charter Agreement for the 2019 Fiscal Year. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.***

12. Emergency Medical Services (EMS) Discussion- UPDATE:

Mr. Petrucci stated that the Township has been working with Wind Gap EMS, Suburban EMS, and Plainfield Township EMS in order to increase ambulance coverage within Plainfield Township. The following changes have been made:

Suburban EMS will still remain the Advanced Life Support (ALS) provider for Plainfield Township. Suburban EMS will be second to BLS calls in zones 3 and 4. Wind Gap EMS will become second for BLS calls in zones 1 and 2. Currently, Wind Gap EMS only covers second for BLS calls in zone 1. These changes should help the response times in those areas. Additionally, a regional plan is required in order to record this change.

13. Review of Suggested House Bill 2281 Revisions:

Send letter to Representative Joe Emrick in response to allow for local municipalities to regulate sludge. For example, this includes going onto farmer's properties at any time or day. Mr. Petrucci reviewed other regulations within other states in relation to the sludge. He added that the Federal Law allows states to adopt more restrictive versions of the regulations than the federal law. Currently, Pennsylvania's laws only mirror the federal laws in place. If the Township wishes to regulate the sludge, the Township would then become the agency that regulates sludge applications within the Township.

Solicitor Backenstoe added that the state would have to pass legislation stating that Pennsylvania would no longer preempt the regulations concerning biosolids. This would allow local municipalities and townships to adopt their own regulations to be more strict and narrow. Solicitor Backenstoe added that writing to representative

Mr. Petrucci questioned whether the Board was inclined to get involved with regulating biosolids. Solicitor Backenstoe added that the Board could simply request the opportunity for all municipalities to be able to regulate sludge applications, however, the Board does not have to actually regulate those applications if they do not wish to do so. Supervisor, Jane Mellert, stated that the state of Pennsylvania needs to open up this area of the law so that regulations such as setbacks, notifications, testing and other imperative information can be decided/enforced by local government. Based on an ordinance written in 1990, there were regulations within that ordinance that were very appropriate for use within the Township.

Mr. Keintop stated that Township Manager, Tom Petrucci, should research the process of this regulation prior to the ability of regulating sludge. Mr. Kleintop added that it has come to his attention that some of the regulations of the DEP are allowed to be ignored by the biosolids provider provided that a waiver be signed by the property owner(s).

Township Manager, Tom Petrucci, stated that the letter sent on behalf of the Plainfield Township Board of Supervisors will simply request the state no longer preempt the Township in relation to regulating sludge within Plainfield Township.

**ACTION: Motion was made by Glenn Borger and seconded by Chairman, Randy Heard, to approve sending a letter to Representative Joe Emrick requesting that Township no longer be preempt from regulating sludge within Plainfield Township. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.**

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

1. Planning and Zoning Report- September, 2018
2. Road Department Report- September, 2018
3. Fire Company and Ambulance Report- September, 2018
4. Recreation Board Report- September, 2018

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the September, 2018 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 4-0.**

#### **SLATE BELT REGIONAL POLICE DEPARTMENT:**

1. Slate Belt Regional Police Department Monthly Report- September, 2018:

**ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the September, 2018 Slate Belt Regional Police Department Monthly Report 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 4-0.*

**CITIZEN'S AGENDA/NON-AGENDA:** None

**BOARD OF SUPERVISORS REPORTS:**

1. *Glenn Borger, Vice Chairman-* No Report
2. *Joyce Lambert-* Not present
3. *Jane Mellert-* No Report
4. *Stephen Hurni-* Supervisor, Stephen Hurni, commended the Board for putting an ad in the magazine for the PA COG (Pennsylvania Council of Governments). He added that one of the bigger issues are fire companies and EMS providers. Mr. Hurni noted that the lack of volunteers is greatly contributing to the issues in our area. Gearing the youngest generation to be volunteers is greatly needed.
5. *Randy Heard, Chairman-* Mr. Heard questioned Mr. Pete Albanese about Green Knight Economic Development Corporation (GKEDC). He questioned Mr. Albanese as to why they support Synagro, Inc. to be placed at their proposed site in Plainfield Township. Mr. Albanese stated that there will be new jobs created in the area once the building is constructed. Tax revenue will also increase if the building were to be put in the Township. Additionally, the waste heat source will be used from the Grand Central Sanitary Landfill which will also aide in the air quality checks by the EPA. Mr. Albanese added that GKEDC will be operating after the Landfill closes as it will be running off of their gasses. With Synagro, they will have better revenue income in order to provide for a better community. Chairman, Randy Heard, questioned how much revenue Mr. Albanese their business may get. Mr. Albanese stated that approximately \$100,000.00 is the projected revenue for each fiscal year.

Supervisor, Jane Mellert, questioned how many jobs will be generated for this facility. Mr. Albanese stated that approximately 10-15 people will be employed full-time. He added that property values have not gone down since the placement of the GKEDC. Ms. Mellert questioned how many rental units are in Pen Argyl Borough and what the per capita is for the homes. He noted that there are many things going on in Downtown Pen Argyl that have been going on for many years including drugs and foreclosures. Green Knight is simply trying to bring back the community within Plainfield Township and Pen Argyl Borough. Additional matters were discussed with respect to Synagro and GKEDC.

**SOLICITOR'S REPORT- DAVID BACKENSTOE, ESQUIRE:**

Solicitor Backenstoe noted that the Township has been doing business with the Kemmerer Sign Business off of Sullivan Trail. The Plainfield Township Zoning Officer cited Mr. Kemmerer due to a complaint that was placed with the Township. Mr. Petrucci added that the Zoning Officer

had an obligation to address the issue due to the complaint. Since the issue was brought to the Zoning Officer's attention, Mr. Nolan Kemmerer submitted a Zoning Hearing Board Appeal Application for a variance. This matter is to be held at the Zoning Hearing Board Hearing on November 13, 2018.

Mr. Nolan Kemmerer's lawyer, Attorney Gary Asteak, sent a letter to the Township requesting favorable comments to the Zoning Hearing Board in reference to Mr. Kemmerer's request for a variance to have his business on the same property as his residence. Supervisor, Stephen Hurni, did not feel that this would be appropriate. Solicitor Backenstoe added that this business has been in operation since 2006. Plainfield Township has been aware of Mr. Kemmerer operating his business as they have used his services. This includes the Slate Belt Regional Police Department which purchased the police car logos/stickers from Mr. Kemmerer. The stance that will be taken by Mr. Kemmerer and his attorney will claim a variance by estoppel or equitable estoppel. These two claims essentially state that the applicant thought as though he was acting in good faith and that the Township knew he was operating a business, and Township Administration also knew that he was operating a business.

Additionally, Solicitor Backenstoe added that Green Knight Industrial Park II is in the final phases for completion. Solicitor Backenstoe drafted the improvements agreement. What is unique about this is that Solicitor Backenstoe drafted the improvements agreement initially to state that both the Male Road property and Green Knight be co-owners and equally become responsible for improvements. What GKEDC is now requesting is to modify the improvements agreement to say that Male Road property be released from any obligation to complete the improvements. Once the final plan is recorded, Male Road property is going to simultaneously convey title to the road. Therefore, once Green Knight becomes the single owner, there is no reason for Male Road properties to be involved.

Solicitor Backenstoe noted that the Township now has a cost estimate submitted by the applicant and reviewed by Township Engineer, Mike Kukles. The public improvements that the Township would be responsible for if there was a default are approximately \$1,300,000.00. Solicitor Backenstoe insisted that the Township have cash or a letter of credit. The applicant has sent a letter stating why they would prefer a bond over a letter of credit. This is because the bond is approximately 1/3 less for the contractor/developer. Another reason is that the Government is taking on some of the cost for the project. Mr. Pete Albanese and Solicitor Backenstoe both stated that the risk is greatly reduced since there will be no private entity coming in and there is a second layer of the bond.

The Board of Supervisors had no objections to use a bond instead of a letter of credit for this plan.

#### **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 10:35 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 Gerstenberg, under the direction of the Township Manager/Secretary*