

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
MARCH 11, 2020**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, March 11, 2020 at the Plainfield Township Fire Hall, 6480 Sullivan Trail, Wind Gap, PA 18091.

Chairman, Randy Heard, called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

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

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

I. SECRETARY–THOMAS PETRUCCI:

1. Approval of the February 12, 2020 Regular Meeting Minutes:

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Jane Mellert to approve the February 12, 2020 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 5-0.

2. Approval of the February 27, 2020 2nd Regular Meeting Minutes:

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the February 27, 2020 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 5-0.

3. Waste Management/Grand Central Sanitary Landfill, Inc. – Brief Presentation of Zoning Amendment Request (15 minutes) – No official action will be taken by the Board of Supervisors:

On behalf of Waste Management, Attorney Leonard Zito stated that Waste Management submitted an application to Plainfield Township on February 19, 2020 regarding a request to expand the Solid Waste Zoning District. The proposed rezoned portion would be comprised of 211 acres. Attorney Zito provided a brief historical overview of the Landfill in Plainfield Township. Attorney Zito stated that the Landfill officially opened in the early 1950's by Mr. Robert F. Perin. Attorney Zito stated that the regulation of waste was largely reviewed by the Department of Health. He added that during the time of the landfill, zoning laws have evolved in order to keep expanding the facility as well as to allow other businesses in the area as well. Attorney Zito added that this is an ever changing permitting process. In 1979, Mr. Robert Perin passed away. In the 1990's, the Landfill was sold to USA Waste which ultimately became Waste Management. Attorney Zito noted that Plainfield Township has permitted the landfill facility. Zoning laws change based on the increasing demands of society. The applicant provided multiple layouts and literature around the meeting area in order to show residents the rezoning area being proposed for the Landfill Expansion.

Solicitor Backenstoe questioned Attorney Zito whether the applicant has any authority that would indicate that the Board of Supervisors has to exercise their discretion to amend the Zoning Ordinance. Attorney Zito indicated that he does not believe so. Attorney Zito believes that their request to the Board of Supervisors is perfunctory in the sense that the ordinance provides that for an amendment proposed to the ordinance which is other than by the Planning Commission, that certain actions are to be taken by the Board of Supervisors. They believe that is the authority of the Board of Supervisors. Solicitor Backenstoe ostensibly agreed that this is a legislative act of whether or not the Board of Supervisors amends their ordinance. Attorney Zito was in agreement with Mr. Backenstoe's statement.

Supervisor, Jane Mellert, noted that the Board of Supervisors is a very dedicated Board and the Township has a very experienced Solicitor and staff, as well as Special Environmental Council. The Board of Supervisors is currently in the review process and will need some time to review the submission in its entirety.

II. TREASURER – KATELYN KOPACH:

1. Approval of the February 2020 General Fund Disbursements (\$230,211.70):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the February 2020 General Fund Disbursements in the amount of \$230,211.70. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

2. Approval of the February 2020 Treasurer's Report:

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

3. Approval of Fire Company 1st Quarter Payment - \$25,000.00:

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the Fire Company 1st Quarter Payment in the amount of \$25,000.00. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

4. Approval of Emergency Management Coordinator 1st Quarter Payment - \$600.00:

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the Emergency Management Coordinator 1st Quarter Payment in the amount of \$600.00. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

5. Approval of Non-Uniformed Defined Benefit Pension Plan Minimum Municipal Obligation (MMO) 1st Quarter Payment - \$9,782.50):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the Non-Uniformed Defined Benefit Pension Plan Minimum Municipal Obligation (MMO) 1st Quarter Payment in the amount of \$9,782.50. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

Treasurer, Katelyn Kopach, was excused from the meeting.

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

1. Consideration of Conditional Approval: Plans entitled ‘Preliminary/Final Land Development Plans for JERC Partners LII, LLC – Male Road Industrial Facility’, Project PY180780, Sheets C-101 through C-1003 (1-29 of 29), dated April 26, 2019, last revised January 17, 2020:

Township Manager, Tom Petrucci, stated that the Applicant has requested to table their appearance until the next regular Board of Supervisors meeting to be held in April 2020.

2. Wind Gap Logistics Center Land Development: Maintenance Period Ends March 12, 2020; Letter of Credit Held in the Amount of \$682,607.36 (Expires 1/8/2021):

Township Engineer, Mike Kukles, stated that the maintenance period began on September 12, 2018 and is set to end on March 12, 2020. The Board of Supervisors have previously approved a credit reduction for this project. Mr. Kukles noted that there were remaining items that have now been included including one tree that was cut down and replaced. The mesh on site will need to be replaced, however, everything else on site has held up well.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to release the remaining security in the amount of \$682,607.36 conditional upon the satisfactory resolution of all remaining comments in the Ott Consulting Review Letter dated March 11, 2020. Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

IV. TOWNSHIP MANAGER – THOMAS PETRUCCI:

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

Township Manager, Tom Petrucci, will be attending the upcoming Slate Belt Multi-Municipal Comprehensive Plan meeting. The next topic of conversation will be shared services which includes how to share public works, medical services, police departments, etc. Mr. Petrucci encouraged members of the Board to attend the next meeting if they are available. Ms. Jane Mellert questioned whether there would be any landfill discussions to take place. Mr. Petrucci noted that they have not gone through and vetted particular land uses between each community at this time. Such discussions may take place at a later time.

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

Township Manager, Tom Petrucci, stated that the Act 537 Official Plan is still being developed. The first draft will be available in the upcoming weeks.

3. Plainfield Township MS4/Stormwater Management Program – Monthly Briefing: Recommendation of Arro Consulting Review of Minimum Control Measure (MCM) Policies and Procedures:

Mr. Petrucci stated that the intent is for Arro Consulting to review the MS4 Permit under EPA guidelines in order to confirm compliance with all Minimum Control Measure (MCM) Policies and Procedures. Arro Consulting has also previously gone through an EPA audit.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve Arro Consulting to Review Minimum Control Measure (MCM) Policies and Procedures in the amount of \$2,500.00. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

4. Consideration of Bids Received: 2020 Bituminous Materials Bid:

Mr. Petrucci stated that the Township has received one bid for the 2020 Bituminous Materials.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to approve the contract with Highway Materials, Inc. for the 2020 Bituminous Materials in the amount of \$50,450.00. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

5. Consideration of Bids Received: 2020 Stone Materials Bid:

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to re-advertise the 2020 Stone Materials Bid. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

6. Review of Recreation/Community Park Master Site Plan Survey Results: Recommendation to Authorize Recreation Board to Prioritize Projects at Community Park- Due April 23, 2020:

Township Manager, Tom Petrucci, stated that surveys have been sent out to residents via Nixle Alerts. Results were tallied on Survey Monkey and provided to the Board of Supervisors for review. The Township received nearly 300 responses for the survey.

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Stephen Hurni to forward the Survey Monkey Results for the Recreation/Community Park Master Site Plan to the Plainfield Township Recreation Board for review and project prioritizing. *Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

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

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

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

SLATE BELT REGIONAL POLICE DEPARTMENT:

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

ACTION: Motion was made by Chairman, Randy Heard, and seconded by Joyce Lambert to approve the February, 2020 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 5-0.

CITIZEN'S AGENDA/NON-AGENDA:

Don Moore- Mr. Don Moore is a resident located at 5610 Berhel Road. Mr. Moore provided a presentation of his research on the matter regarding the Re-Zoning Application submitted by Waste Management to Plainfield Township. A copy of his statement was provided. The statement by Mr. Moore is hereby incorporated as though it were more fully set forth at length as "Exhibit A".

Mr. Moore also provided and read aloud a statement made by Mr. Mark Powell. Mr. Powell was previously a Board of Supervisors Member. The statement by Mr. Powell is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit B".

Tom Carlo- Mr. Carlo lives on Robinson Avenue in Pen Argyl Borough. Mr. Carlo stated that no new business will want to come in to Pen Argyl Borough, Wind Gap Borough, or Plainfield Township if Waste Management opens a new portion of a facility. He added that property values will drop in result of this issue. Mr. Carlo does not trust Waste Management as the smells from the Landfill are, at times, unfathomable. Mr. Carlo added that every time he submits a complaint to Waste Management, representatives from Waste Management state that they will review the issue and weather

patterns. From that point, no other action is taken other than the weather is the main issue. Mr. Carlo believes that if Waste Management were to receive this re-zoning approval, they will want to continue to expand.

Luther Bond- Mr. Luther Bond resides at 312 E Main Street in Pen Argyl. Mr. Bond stated that he believes Waste Management is here for whatever is in their best interest as a company. He added that the community wants the opportunity to put forth what is in their best interest. Mr. Bond stated the community has suffered in terms of aesthetics, smells, and legal fees due to lawsuits. Mr. Bond noted that some of the community is currently in the deposition phase of the lawsuits. Mr. Bond feels that the Landfill is bad enough as it currently operates and does not want to see another facility located directly across the street of Pen Argyl Road.

Linda Osbourne- Ms. Linda Osbourne noted that the Township used to be a beautiful place with great scenery. Since the Landfill has been coming to an end on their capacity, the smells have been terrible. She added that the dust and truck noise are worse than ever before. Mrs. Osbourne does not understand why the Township has not been utilizing its funds for farmland purchases in order to preserve the land of the Township. Ms. Osbourne also disapproves of Waste Management allowing garbage to be disposed of at the Pen Argyl location from other states including New Jersey. Ms. Osbourne added that farmland preservation is no longer assisting the Township in preserving the aesthetics of the Township.

Robert Osbourne- Mr. Osbourne moved into the Township in 2006. He noted that the Landfill at the time was very small in size. Today, the Landfill is quite large. Mr. Osbourne paid over \$500,000.00 for his home at the time of purchase. In today's market and in result of the Landfill, Mr. Osbourne is concerned he will not receive above \$300,000.00. He added that enough is enough.

Emmanuel Demaris- Mr. Demaris resides at 2100 Delabole Road in Plainfield Township. Mr. Demaris added that Ms. Adrienne Fors stated that the Landfill has less than 8 years remaining of operation. Mr. Demaris noted that Waste Management cannot begin the process of the expansion permit until there is approximately less than 5 years remaining of operation. Mr. Demaris believes that Waste Management will need to obtain approval for a subdivision in order to move forward with the expansion. He added that access is being proposed for 512 which is the current entry and exist way for the facility which will create additional traffic as well as crossing Pen Argyl Road for access to the new facility area which is a concern. Mr. Demaris believes that this expansion proposal for re-zoning is to attempt to bring Synagro Technologies back into Plainfield Township. Mr. Demaris noted that if this facility were to be approved, he believes it would be a violation of Federal Law.

Stephen Bondurich- Mr. Bondurich is a Penn State College student. He noted that when he returns home for breaks and such, he highly dislikes coming home to the area of the Landfill. Mr. Bondurich stated there is a constant repulsive stench in their yard. During the nights, his family shuts all windows in the house when it is nice outside due to the smell emanating from the Landfill. Air quality is also a serious concern. Mr. Bondurich cannot imagine what the Township would be like with another Landfill facility directly located across the street from the existing facility. Mr. Bondurich is concerned of this proposal as this will negatively affect generation after generation. Mr. Bondurich requested that the Board of Supervisors do not vote in favor of the rezoning request by Waste Management as he believes the Township should save the air and spare the people.

Thomas Bondurich- Mr. Bondurich is located at 1765 Rolling Meadows Drive in Plainfield Township. He provided pictures to the Board of Supervisors which documented large amounts of garbage scattered along the farmlands located around the Landfill. Mr. Bondurich questioned whether Supervisor Stephen Hurni will be voting in the matter. Mr. Hurni stated he will be recusing himself during this review.

Mr. Bondurich stated that if the Board of Supervisors were to allow rezoning to occur, he would not be able to tolerate the additional stench and noise emanating from the Landfill. He added that Synagro Technologies, Inc. and Waste Management treated the Planning Commission with disrespect at their previous meetings regarding the Synagro Facility application. He added that the sole reason for opening an additional facility in this area is for the financial increase and nothing else. Mr. Bondurich added that Waste Management is not the Township's friend. He disapproves of Waste Management putting up birdhouses and having the chili cook-off.

Justin Huratiak- Mr. Huratiak stated that he grew up in the area of Delabole Road and O.W. Road and preserved his land which is located in both Plainfield Township and Washington Township. He added that he sold some of his previously owned land to Mr. Perin. Mr. Huratiak noted that the height of the landfill is unacceptable. Mr. Huratiak stated this facility needs to end and the Township needs to move on.

John Rinehart- Mr. Rinehart resides at 505 W. Pennsylvania Avenue in Plainfield Township. Mr. Rinehart thanked the Board of Supervisors for supporting the message from residents that the proposed Synagro Facility would negatively affect Township residents. He added that a lot of people have no respect for the environment and little respect for their neighbors. Mr. Rinehart is finished with accepting other's garbage at the facility. He added that there is already loose tires, garbage and rubbish all around the Township. Mr. Rinehart holds a lot of pride of where he lives. He recommended that Board turn down the request for rezoning.

Jerry Lennon- Mr. Lennon resides at 361 Crestmont Street. He stressed that biosolids have already been continuously dumped at the site of the Landfill/Waste Management for

the last 15 years. He added that the Landfill takes approximately 20-40 truckloads of biosolids every day. Mr. Lennon stated that the landfill draws buzzards, seagulls, rats, and many other pests. Mr. Lennon feels this facility is very harmful to the environment.

Chairman, Randy Heard, questioned Mr. Scott Perin as to why Waste Management is applying for rezoning at this time due to the fact that there is 8 years of operation remaining at the Landfill. Mr. Perin stated that they are applying now because of the multi-step process. Waste Management will need this approval in order to begin the other processes which includes a request of conditional use for expansion with the Plainfield Township Planning Commission and applying for all State permits. Mr. Perin added that this process alone takes approximately 5 years.

Solicitor David Backenstoe noted that this presentation by Waste Management was done for the first time to the Board of Supervisors. At this time, the Board of Supervisors will be reviewing the application for consideration. No official action will be taken at this time.

Resident, Mrs. Osbourne, questioned if the Board were to just decline the application that it would be put to an end for good. Solicitor Backenstoe stated that the Board has received the submission and will be taking it into consideration.

Resident, Emmanuel Demaris, added that the value of homes within 1 mile of the Landfill depreciates by 12%.

Resident, Don Moore, stated that if the Board of Supervisors were to approve the rezoning request, the Applicant may submit any plan they wish as any solid waste application could be submitted. Such applications include a new facility or a different facility such as Synagro Technologies, Inc. Mr. Scott Perin stated that this is a contiguous property and they only intend to continue their current operations. Mrs. Osbourne questioned Mr. Perin on whether they reviewed the potential for any other properties outside of Plainfield Township. Mr. Perin noted that they have many locations in the central and west Pennsylvania. Previously, there used to be thousands of landfills in the area and as a result of engineering changes and other issues, there is now only approximately 200. Residents questioned Mr. Perin why the Applicant plans on expanding only this location. Mr. Perin noted that it makes sense to use the existing infrastructure.

Tom Carlo- Mr. Carlo questioned whether the existing infrastructure includes the Green Knights. Mr. Perin confirmed it includes Green Knights as access for the new facility will cross the Green Knight property.

Pat Sutter- Ms. Sutter stated that Plainfield Township and residents have spent a lot of tax dollars on fighting the Landfill. Ms. Sutter is in disbelief that Waste Management has submitted another application.

Justin Huratiak- Mr. Huratiak noted that there would be no end to this facility if rezoning were to be approved for the area being proposed. He added that the Township and residents fought Synagro for 3 years and cannot imagine an additional 5 years of reviewing an application for the Landfill. Mr. Huratiak plans on purchasing more land in the Township in order to fill in the land.

Thomas Bondurich- Mr. Bondurich questioned whether the Board of Supervisors has the right to automatically decline the rezoning request. Solicitor Backenstoe stated that the Board of Supervisors has taken the request under advisement and is currently reviewing the request.

Stephen Bondurich- Mr. Bondurich questioned how long this review process will take. Solicitor Backenstoe stated that the public will be kept informed of the process.

Adrienne Fors- Ms. Fors stated that there will be a series of meetings held by Waste Management. The first meeting will be held Wednesday, March 18, 2020. At the upcoming meeting, details on the expansion plan will be discussed. A video of Waste Management's plans will also be posted on the website for those who cannot attend the meeting. Ms. Fors added that residents will have the ability to ask questions at the meeting.

BOARD OF SUPERVISORS REPORTS:

1. ***Glenn Borger, Vice Chairman***- No Report
2. ***Joyce Lambert***- No Report
3. ***Jane Mellert***- No Report
4. ***Stephen Hurni***- Mr. Hurni stated that the Slate Belt Police Department will be receiving their accreditation tomorrow morning at 10:30 A.M. in Harrisburg, PA.
5. ***Randy Heard, Chairman***- No Report

SOLICITOR'S REPORT- DAVID BACKENSTOE, ESQUIRE:

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

ADJOURNMENT:

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

The meeting adjourned at 8:32 P.M.

Respectfully submitted,

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

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