

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
JULY 14, 2021**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, July 14, 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, Supervisor Jane Mellert, Supervisor Stephen Hurni and Supervisor Joyce Lambert. Chairman Randy Heard arrived at approximately 7:05 P.M.

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

I. TOWNSHIP SECRETARY– THOMAS PETRUCCI:

1. Approval of the June 9, 2021 Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the June 9, 2021 regular meeting minutes as presented.

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

Motion approved. Vote 4-0.

2. Approval of the June 24, 2021 Second Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the June 24, 2021 second regular meeting minutes as presented.

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

Motion approved. Vote 4-0.

3. Consideration of Time Extension: Wind Gap Taco Bell Land Development – Improvements Due July 16, 2021- Extension to July 16, 2022:

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve a time extension of one (1) year for the Wind Gap Taco Bell Land Development Improvements Agreement to July 16, 2022.

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 Time Extension: ASGCO Land Development – Improvements Due August 5, 2021- Extension to August 5, 2022:

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to approve a time extension of one (1) year for the ASGCO Land Development Improvements Agreement to August 5, 2022.

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 Conditional Preliminary/Final Approval: Plainfield Township Municipal Complex Improvements Land Development Plan (Pavilion, Salt Storage Shed Replacement, and Secure Bay Garage)- Review by Hanover Engineering Associates (Alternate Township Engineer):

Alternate Township Engineer, Charles Unangst, P.E. of Hanover Engineering Associates, was in attendance to review the submitted Land Development Plan, which was prepared by the Township Engineer, Ott Consulting.

The Land Development was prepared to account for a new pavilion, salt storage shed replacement and secure bay garage to be located on the grounds of the Plainfield Township Municipal Complex (6292 Sullivan Trail, Nazareth, PA 18064). The Planning Commission had already taken action to recommend approval of the Land Development Plan to the Board of Supervisors.

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to conditionally approve the Plainfield Township Municipal Complex Improvements Land Development Plan as submitted, subject to the following conditions:

- Comply with all conditions set forth in Hanover Engineering Associates review letter dated June 16, 2021.
- Owner Signature
- Notarization

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.

Mr. Unangst confirmed that there were no issues with this proposal, as the previous stormwater management improvements accounted for all of the additional impervious coverage for this proposal. There are no additional water or sewer connections proposed at this time.

6. PSATS Annual Business Meeting- October 15, 2021 (8:00 AM to 1:30 PM) – Consideration of Attendance and Assignment of Voting Delegate:

The Pennsylvania State Association of Township Supervisors (PSATS) has not held its annual business meeting for two fiscal cycles. The Township should send a delegate to the upcoming October 15, 2021 Annual Business Meeting, per the request of PSATS. As Jane is attending the committee meeting on the 14th, it makes the most sense to send Jane Mellert as the voting delegate on behalf of Plainfield Township.

ACTION: Motion was made by Stephen Hurni and seconded by Randy Heard to approve sending Jane Mellert to the October 15, 2021 PSATS Annual Business Meeting and to approve associated lodging and travel accommodation expenses.

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

Prior to the vote, resident, Chuck Piazza, inquired as to what the acronym PSATS stood for, and he was told that it is the Pennsylvania State Association of Township Supervisors.

Motion approved. Vote 4-0-1, with Jane Mellert abstaining.

7. Boards and Commissions Application Received: Environmental Advisory Council (Vacant Position Expiring 1/1/2023):

The Township received one application for consideration of appointment to the currently vacant position on the Environmental Advisory Council (term expiring January 1, 2023). Tom Petrucci was directed to arrange an interview with the interested candidate.

II. TREASURER – KATELYN KOPACH:

1. Approval of the June, 2021 General Fund Disbursements (\$279,074.18):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the June, 2021 General Fund Disbursements in the amount of \$279,074.18.

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 June, 2021 Treasurer's Report:

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the June, 2021 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 Real Estate Property Tax Refund–Tax Map Parcel ID No. E8 1 4C 0626 (\$12.67):

ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve a real estate property tax refund in the amount of \$12.67 for the real property located at tax map parcel ID # E8 1 4C 0626.

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.

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

1. Long Road Environmentally Sensitive Road Grant Project – Bog Turtle Report:

Jeff Ott provided an update to the Board of Supervisors regarding the wetlands report for the Long Road grant-funded project. The report items were sent to the Pennsylvania Fish and Boat Commission on October 1, 2020, and the Township has yet to receive a response. Bog turtle habitat is present, as per Kevin Keat (bog turtle scientist); it is anticipated that PA DEP will agree with Mr. Keat's findings. The Board has the following two options to consider:

- **Option 1**: Limit all work outside of the 300' buffer. Any work performed within the 300' buffer would require bog turtle exclusion fencing (36' silt fence) and to have a bog turtle scientist on-site for the entire duration of the construction phase (approximately 6-8 weeks) at the rate of \$1,200.00 per day (\$150.00 per hour).
- **Option 2**: Conduct a Phase II evaluation bog turtle study to confirm that the bog turtles are not present. This study needs to be completed April 15th and June 15th, which is the active time that the bog turtles would be at the site. The approximate cost of the study is \$10,000.00 to \$20,000.00. The risk here is that you could spend \$10,000.00 to \$20,000.00 and find that the bog turtles are present at the location.

It was noted that the Township did evaluate other bog turtle scientists a few years ago, and it was confirmed that Mr. Keat was the least expensive option. Other professionals were charging a similar price range, but also billing the Township for travel accommodations.

The Township is attempting to get driving surface aggregate applied to Long Road by the end of September, and there is a grant deadline of September 30, 2021. The Township needs to show that progress is occurring in order to have the grant deadline extended. Another option would be to simply cancel the project, though it was noted that the Township had originally applied for the \$200,000.00 grant in response to a request made by residents located along Long Road to improve the roadway surface. The grant was structured in such a way that the construction costs would be conducted by the Township, and the engineering costs are being borne by the Township. The Township has spent about \$10,000.00 to date for the engineering costs. The project includes a culvert replacement at the intersection of Long Road and Kesslersville Road; the culvert needs to be replaced from the combined standpoints of stream morphology and long-term maintenance.

Jane Mellert inquired why the range of the cost is from \$10,000.00 to \$20,000.00, and it was identified that the final cost is dependent on the number of observations that are required, as well as the time needed to develop the final report.

ACTION: Motion was made by Randy Heard and seconded by Stephen Hurni to approve the Township proceeding with Option No. 2 as further described herein, provided that the Northampton County Conservation District is comfortable with allowing for the surface improvement work to take place this year.

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. Letter of Credit Reduction Request #3 Approval: ASGCO Manufacturing Land Development:

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve a partial reduction in the total amount held for Letter of Credit No. 9700602590-00006 for the account of ASGCO Manufacturing, Incorporated for the ASGCO Manufacturing Land Development. The amount of the reduction of the Letter of Credit shall be \$756,472.67 in the current amount held of \$1,549,752.80, thereby resulting in a new balance of \$793,280.13.

This revised amount still includes the 10% Act 247 coverage, 5% for Engineering and Construction Layout and 5% for Township Construction Observation for all remaining work. In addition, 15% is held in maintenance for all work that has been completed to date.

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 Maintenance Period: Rolling Meadows Estates Subdivision (Basin Plantings):

ACTION: Motion was made by Randy Heard and seconded by Jane Mellert to approve placing the remaining improvements (plantings installed at basin 1 and basin 2) for the Rolling Meadows Subdivision into the required eighteen (18) month maintenance period, pursuant to the terms of both the Subdivision Improvements Agreement dated April 9, 2007 between Plainfield Township and the Developer, which is Millstone Development, LLC. The required eighteen (18) month maintenance period for the above-referenced items will commence on July 14, 2021 and will conclude on January 14, 2023.

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:

Tom Petrucci reported that there is an infrastructure roundtable discussion scheduled for August 18th at 6:00 PM at the Weona Park Community Center.

A steering committee took place on Wednesday, July 7, 2021, and there was a productive discussion concerning emergency services in the Slate Belt, including fire protection, emergency medical services, and police services.

Terry Kleintop inquired as to what the sentiments of the steering committee members of the Township (including himself, Stephen Hurni, and Tom Petrucci) were concerning the proposed handout for a community planning survey that was distributed by the Lehigh Valley Planning Commission (LVPC) during the July 7th meeting- especially concerning the agricultural focus of Plainfield Township and the fact that there was no narrative in the handout.

Jane Mellert, who also attended the July 7th meeting, indicated that it appeared that there was more of a concentration on the aesthetics of the structures that would go in certain zoning districts (and what look the Slate Belt would prefer). She did not view this as excluding agriculture. Something should be added to address agriculture when the survey is taken.

Terry Kleintop expressed the concern that there is a void in agriculture, and he wanted to make sure that emphasis is being placed on the correct areas.

Tom Petrucci stated that he had identified the fact that there was no narrative on the handout during the July 7th meeting, and that his comments expressed during the meeting stand as stated. He also stated that the handout as reviewed during the meeting was a draft, and that the LVPC will be working to revise the draft and address the comments that were raised.

Jane Mellert expressed a concern that the population projections provided by the LVPC are overstated, and that this will cause issues in projecting future land use of the Slate Belt. There is an expectation of rapid population growth that is being used to develop the multi-municipal comprehensive plan, and this will cause issues with projections concerning infrastructure and the future need for emergency services. With respect to emergency services, Jane Mellert indicated that the emergency services providers will have to look at how they conduct business differently. She stated that there also could be more proactive actions with respect to clearing trees that are diseased or damaged.

Don Moore inquired as to whether the Plan Slate Belt will include multi-municipal zoning for all ten (10) Slate Belt municipalities, and Tom Petrucci stated that is not the intent at this time. Mr. Moore inquired as to whether there are any work product documents (i.e. maps and land use studies, etc.) available at this time, and the response was that those materials are not currently available, but should be soon. This is where community involvement will become instrumental.

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

Due to the level of plan submissions for the July 21, 2021 Planning Commission meeting, the Act 537 Official Plan will not be able to be placed on the agenda. Alternatively, the intent is to form a sub-committee and review the Act 537 Official Plan content and report back to the Planning Commission. Mary Beth Peters of Entech Engineering would be in attendance at the sub-committee meeting.

ACTION: Motion was made by Glenn Borger and seconded by Randy Heard to form a sub-committee of the Planning Commission to review the Act 537 Official Plan to attempt to work through any remaining issues and report its findings back to the Planning Commission and Board of Supervisors.

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

Terry Kleintop inquired as to why the Township appears to be under pressure from a time perspective. Tom Petrucci responded that there is a six (6) month PA DEP review time period that the Township has not even started, and that there is a remaining grant deadline with Northampton County of December 31, 2021 (for the \$5,000.00 remaining amount- \$25,000.00 was paid out to date).

Motion approved. Vote 5-0.

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

No update was provided.

4. Consideration of Bids Opened June 30, 2021 at 09:00 AM: 2021 Plainfield Township Road Bid Proposal – Bid for Letting of June 30, 2021 – PennBid – Grand Central Road Resurfacing Project (Funded by State Liquid Fuels/Highway Aid Fund):

The bid tabulation was tallied as follows:

Hanson Aggregates PA LLC	New Enterprise Stone & Lime	James D. Morrissey	Bruce George Paving and Excavating, Inc	Lehigh Valley Site Contractors A Division of H&K Group, Inc.	Gaver Industries Inc. DBA Barker & Barker Paving
100%	90.18%	85.28%	84.95%	79.18%	70.47%
\$270,381.51	\$299,796.75	\$317,034.00	\$318,250.30	\$341,462.65	\$383,630.70

ACTION: Motion was made by Randy Heard and seconded by Jane Mellert to approve awarding the contract (and to send the Notice of Contract Award) to Hanson Aggregates PA, LLC in the amount of \$270,381.51 in accordance with the bid proposal that was submitted in response to the above-referenced bid

opportunity, which was advertised in the Express-Times newspaper on June 7th and June 14th and further identified as follows:

2021 Plainfield Township Road Bid Proposal- Bid for Letting of June 30, 2021					
Extended Price Analysis					
Reference Number	Description	Type	UOM	Quantity	Hanson Aggregates PA LLC
Bid Price Ratio					100%
Total Extended					\$270,381.51
Pricing Group					\$270,381.51
T-641 Item No. 1	Wearing Course HMA or WMA PG 64-22, Course, 0.3 to 3.0 million ESAL's, SRL-G, 2" Depth/ 240 LBS/SY	Base	TONS	2,595.00	\$184,893.75
T-641 Item No. 2	HMA or WMAPG 64-22, Scratch/Leveling Course, 0.3 to 3.0 million ESAL's, SRL-L, 90	Base	TONS	973	\$77,353.50
T-641 Item No. 3	Grand Central Road (T-641): Asphalt Driveway Adjustments as directed by Municipality	Base	SQUARE YARDS	100	\$4,400.00
T-641 Item No. 4	Grand Central Road (T-641): 4" Double Yellow Center Line with Glass Beads	Base	LINEAR FEET	7,546.00	\$2,339.26
T-641 Item No. 5	Tonnage for Subdivision Widening Section (No Sub-base or Base Repair)- Wearing Course: Superpave 9.5mm, Wearing Course HMA or WMA PG 64-22, Course, 0.3 to 3.0	Base	TONS	14	\$997.50
T-641 Item No. 6	Tonnage for Subdivision Widening Section (No Sub-base or Base Repair)- Scratch/Leveling Course: Superpave 9.5mm, HMA or WMAPG 64-22, Scratch/Leveling	Base	TONS	5	\$397.50

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.

5. NO BIDS RECEIVED: Plainfield Township Tri-Axle Dump Trucks with CDL Operators Bid (Section 3102(h)(1-9) of Second Class Township Code Applicable):

Tom Petrucci identified that no bids were received for this project. Section 3102(h)(1-9) of the Township Code provision refers to goods and not services, so Plainfield Township would not be able to simply select a vendor due to the fact that the bid was advertised twice with no results. The following options were reviewed:

1. Re-bid the project again.

2. Utilize a vendor for tri-axle truck delivery services up to the threshold amount of \$11,500 (this is the amount that does not require quotations) and then simply cease utilizing the service. Part of the issue is that we do not know the exact amount of hours that will be needed for the asphalt paving work (this is the reason it would be more ideal to have an organization under a more or less contract). I can confidently estimate that the \$11,500.00 threshold amount would give us an average of two trucks per day over an eight day period of work. The Township could work with a vendor and limit the number of hours provided to not exceed the \$11,500.00 threshold.

3. Obtain three price quotations based on a set figure of hours. However, it is important to note that the Township must not exceed the \$21,300.00 competitive bid amount.

ACTION: Motion was made by Jane Mellert and seconded by Glenn Borger to authorize the Township Manager to seek tri-axle truck delivery services as needed for paving operations conducted by the Road Department in accordance with the procurement requirements of the Commonwealth of Pennsylvania.

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

Terry Kleintop inquired if this is the entity hauling asphalt while the Township is conducting paving operations, and Tom Petrucci responded that the external trucking services are indeed needed when the Road Department is conducting its own paving operations in order to allow for more efficient operations (i.e. paving in a uniform pull).

Motion approved. Vote 5-0.

6. Consideration of Bids Opened July 8, 2021 at 12:00 PM Noon: 2021 Plainfield Township Road Milling Project – PennBid:

The bid tabulation was tallied as follows:

Reference Number	Description	Type	UOM	Quantity	Donegal Construction Corporation	Hanson Aggregates PA LLC	Gaver Industries Inc. DBA Barker & Barker Paving	Meco Constructors, Inc.
Bid Price Ratio					100%	67.39%	36.04%	8.48%
Total Extended					\$73,485.50	\$109,043.00	\$203,863.00	\$866,180.70

ACTION: Motion was made by Joyce Lambert and seconded by Randy Heard to approve awarding the contract (and to send the Notice of Contract Award) to Donegal Construction Corporation in the amount of \$73,485.00 in accordance with the bid proposal that was submitted in response to the above-referenced bid

opportunity, which was advertised in the Express-Times newspaper on June 18th and June 25th and further identified as follows:

Reference Number	Description	Type	UOM	Quantity	Donegal Construction Corporation
Bid Price Ratio					100%
Total Extended					\$73,485.50
Pricing Group					\$73,485.50
Item No. 1	Full-Width Milling (at a depth of between of one (1) inch to six (6) inches- typically three (3) inches	Base	Square Yards (SF)	47,410.00	\$73,485.50

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.

7. Planning Commission Recommendation: Fireworks Ordinance:

As recommended by the Planning Commission, Tom Petrucci provided the following overview to the Board of Supervisors:

- Act 43 of 2017 made it easier for consumers to purchase fireworks for personal usage.
- “Consumer fireworks” are defined as follows in Act 43 of 2017:

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices as "ground and handheld sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

- “Display fireworks” are defined as follows in Act 43 of 2017:

Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

(1) salutes that contain more than two grains or 130 milligrams of explosive materials;

(2) aerial shells containing more than 60 grams of pyrotechnic compositions; and

(3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

- Act 43 of 2017 provides for the following regulations:
 - Consumer fireworks cannot be discharged within 150' of any occupied structure.
 - Consumer fireworks cannot be ignited or discharged on public or private property without the consent of the property owner.
 - Consumer fireworks cannot be discharged from, within or toward a motor vehicle.
 - Consumer fireworks cannot be discharged by a person under the influence of alcohol or any other controlled substance.
 - Display fireworks require the issuance of a municipal permit, and the operator must be both at least 21 years old and possess a federal license (as well as post a \$50,000.00 bond). Display fireworks shows may not be within 300' of a structure selling consumer fireworks. The Township has the ability to impose more stringent regulations for display fireworks, if so desired.

- Upon review of Act 43 of 2017, the Township Board of Supervisors could elect to regulate fireworks in accordance with the following options, if determined to be necessary, by way of a stand-alone ordinance that is enacted under the authority to protect the general health, safety, and welfare of the municipality:
 - Restate the regulations set forth in Act 43 of 2017 for consumer fireworks and display fireworks.
 - Prohibit the discharge of fireworks from any public property, including roads, sidewalks, parks, trails, and trailheads.
 - Allow the discharge of fireworks only during certain time periods (for example, 1:00 PM to 10:00 PM). *Note: I have confirmed with the Slate Belt Regional Police Department (SBRPD) that this provision could be enforced by the police department.*
 - Limit the discharge of consumer fireworks to only certain times of the year or for special occasions (for example, only on New Year's Eve, New Year's Day, Memorial Day, July 4th, and Labor Day; or for weddings, pre-defined milestone

anniversaries (ex. 25 years, 50 years, and 75 years) and milestone birthdays (ex. 21, 30, 40, 50, 60, 70, etc.).

- A time period restriction on the discharging of fireworks would provide a consistent and uniform standard that could be easily enforced. Whereas, regulating fireworks via a noise ordinance or public nuisance ordinance would be more difficult to quantify and therefore more difficult to enforce. The Township's current noise ordinance would not be a realistic option for enforcement, in my opinion, as it relies too much on actual decibel readings, which would be difficult to actually obtain when the discharging of fireworks are occurring, and "intermittent" noises, which are defined as lasting for a period of time for more than thirty (30) minutes.
- For reference, SBRPD has not fielded **any** direct complaints concerning fireworks since April, 2021 (this time period was chosen to show a reasonable period of time during the spring/summer weather months when people would ostensibly be discharging consumer fireworks). However, this report did not include the week leading up to the Independence Day holiday.
- Miscellaneous general concerns about the discharging of fireworks include the following:
 - Impact on pets, veterans with PTSD or survivors of gun violence.
 - Fire safety (protection of structures, individuals, and property).
 - Increased noise and diminished quality of life.
 - Interruption of sleep, thereby creating other health issues.
 - Inability to plan ahead for known fireworks events due to lack of time restrictions.

The Board of Supervisors and residents that were in attendance engaged in discussion concerning this subject matter, and the main points of the discussion are summarized as follows:

- Dave Backenstoe stated that the legislation is unlikely to change at the level of the Commonwealth of Pennsylvania General Assembly.
- Don Moore indicated that there may be a void between 50 and 130 milligrams (the distinction between what constitutes consumer fireworks and display fireworks).
- Chuck Piazza stated that is aware of one instance where the Slate Belt Regional Police Department shut down people from discharging fireworks because they were not one-hundred-fifty feet (150') away from a structure. Additionally, he stated that graduation ceremonies are also popular events where fireworks are discharged.

- Robin Dingle suggested that residents that desire to discharge fireworks should have to notify surrounding neighbors, especially those that have sensitivity or pets. She noted that other people’s enjoyment of their backyards is ruining the lives of others.
- Don Moore agreed with the assessment of the Township Manager that the noise ordinance is not the right instrument to utilize to address concerns with the discharging of fireworks.
- The Board of Supervisors were generally in favor of placing time restrictions on fireworks. It was suggested 6:00 PM to 10:00 PM would be a reasonable timeframe restriction.
- The Board of Supervisors were generally in favor of restricting the use of fireworks on public property.
- It was noted that individuals with PTSD are not able to prepare for the discharging of fireworks if there is only a “blanket” time restriction (and not specific dates/times).
- Glenn Borger noted that neighbors should be notified of large display fireworks for large events (such as graduation parties or birthdays).
- The important distinction from what occurred in the past (smaller displays) and what is occurring now (large displays with high sound impacts) is the fact that Act 43 of 2017 has changed what is permitted in the Commonwealth. Any local regulation needs to factor in the impact of said legislation.
- It was noted that any notification process for fireworks could become cumbersome for local Township officials. It was also noted that the fireworks are so loud that it may be difficult to ascertain which residents will receive notification.

Following the discussion which occurred, Township Manager Petrucci was directed to write a draft ordinance that attempts to regulate fireworks- factoring in the comments, concerns, and points that were raised during the meeting.

ACTION: Motion was made by Glenn Borger and seconded by Randy Heard to authorize the Township Manager to draft a Fireworks Ordinance for the review and consideration of the Board of Supervisors.

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.

8. 2021 Line Painting Authorization: 155,707 Linear Feet of Local Roadways:

ACTION: Motion was made by Joyce Lambert and seconded by Jane Mellert to authorize double yellow line painting for 2021 utilizing the 2021 Lehigh Valley Cooperative Purchasing Council (LVCPC) pricing (\$0.0975 per linear feet) in the amount of \$15,181.43 (155,707 linear feet).

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

It was identified that the Road Department is not able to conduct this work.

Motion approved. Vote 5-0.

9. No Proposals Received- PennBid Request for Quotations: Slate Belt Regional Police Department Secure Bay Garage Discussion:

Tom Petrucci reported that the Request for Quotations (RFQ) he had posted on PennBid for the secure bay garage had received no responses. The Township has evaluated pole buildings and smaller garages, and he needs direction from the governing body as to how to proceed with this project.

Tom Petrucci was directed to re-bid the project and to give prospective contractors more construction/design options to consider, thereby giving the Township more flexibility in delivering a more cost-efficient structure to the Township. It was also identified that the project deadline should be moved forward until the end of 2022.

ACTION: Motion was made by Randy Heard and seconded by Glenn Borger to advertise a competitive bid for the Slate Belt Regional Police Department Secure Bay Garage.

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

Terry Kleintop asked where the building would be located, and it was stated that it would be on the corner of the rear municipal building parking lot (near the tennis courts but not interfering in any way with the drainage field).

Motion approved. Vote 5-0.

10. Recreation Board Recommendation/Board of Supervisors Review: Community Park Pavilion Architectural Drawings/Floor Plans (DRAFT):

The Board of Supervisors reviewed the conceptual architectural drawings/floor plans for the proposed Community Park Pavilion.

Jane Mellert identified the following concerns:

- The bathrooms should be closer to the picnic area and playground.
- The location of the meeting room in proximity to the open air pavilion may present issues. It may make sense to have the kitchen and/or snack bar closer to the open air pavilion.
- Jane Mellert stated that it would make more sense to purchase a stand-alone garage to house mowing equipment rather than housing it in the storage room of the pavilion facility.

Glenn Borger noted that there have been countless hours spent in attempting to devise a building that would satisfy various needs of the users.

It was identified that the facility is proposed to be seasonal only (and not open during the late fall and winter months). Additionally, the intent is to only open the bathrooms open during the times when the facility is rented. The portable toilets would need to be continued for sporting events due to the number of participants. Building the number of needed public restrooms to accommodate all participants and spectators for these types of events would be cost prohibitive.

The comments of the Recreation Board concerning the facility are memorialized as follows:

- One (1) additional urinal should be added to the men's lavatory. The size of the lavatories overall should be evaluated to determine whether or not they are adequately sized.
- Handicapped accessibility of the lavatories and facility overall shall be confirmed by the plan consultant/architect.
- The size of the meeting room should be reviewed to determine whether the need for a large meeting room space is warranted. If the configuration needs to be revised to accommodate the additional men's urinal or expanded lavatories, the size of the meeting room could be lowered to ensure that the lavatories are large enough.

- The need for any commercial appliances (and the estimated costs) in the kitchen and snack stand should be evaluated. In other words, the Township should determine, when appropriate, whether or not all proposed appliances necessary and appropriate (ex. commercial stove, grill, refrigerator, freezer, hot dog rollers, etc.). The purchase of appliances for the kitchen and snack stand could be phased in accordance with the financial needs of the Township.
- Security features (ex. closed caption surveillance) should be incorporated into the facility.
- The septic system should be sized larger than the current anticipated need in the event of any future expansion of the facility.
- Policies should be implemented for the use of the snack bar, kitchen and pavilion facilities. Existing policies from other communities should be utilized as a guide. Organizations (and individuals) that use these facilities should be made responsible for any adverse impacts to these facilities as a result of their usage.
- There is an identified need for a Township seasonal employee who would conduct maintenance activities prior to and after rental of the facility. The Township needs to determine whether or not this employee would be needed on-site during facility rentals.

A follow-up meeting of the sub-committee of the Recreation Board that was tasked with the review of the conceptual architectural drawings/layouts plans for the Community Park Pavilion will be arranged. The architect and Jane Mellert will attend the meeting.

11. Recreation Board Recommendation: Knitter's Hill Trailhead/Parking Lot Expansion:

Tom Petrucci reported that the wetlands surrounding the Knitter's Hill Recreation Trail Parking Lot (specifically, along the eastern and northern sides of the existing parking area) are considered Exceptional Value, which means that the Township cannot impact them in any way, as per the guidance received from Jason Smith and the Pennsylvania Department of Environmental Protection. Additionally, there may be bog turtle habitat located on the site, which would require a Phase I survey to be completed (approximate cost of a Phase I is \$16,000.00). Options to consider are provided as follows:

- Expansion of the existing parking area into the existing picnic grove area to allow for additional parking (10 ft- losing two red maple trees).
- Expansion of the existing parking area into the existing picnic grove area to allow for additional parking (15 ft- losing three trees).

- Expansion of the existing parking area into the existing picnic grove area to allow for additional parking (20 ft- losing six trees).

Tom Petrucci will explore options to expand the parking area at the Knitter's Hill Trailhead/Parking Lot (as well as other options) provided that these options do not require environmental impacts or any additional environmental studies.

12. Public Hearing (To Be Tabled): Ordinance No. 405:

The public hearing for Ordinance No. 405 (Warehouse/Wholesale Storage and Distribution Zoning Ordinance Amendment) was tabled by the Board of Supervisors. The Board of Supervisors had previously authorized the advertisement of Ordinance No. 405, and the Planning Commission took the stance that there were certain provisions of the Ordinance that would need to be revised prior to the Ordinance being adopted. A number of concerns were raised by various parties (and their legal counsel) during the Monday, June 21, 2021 Planning Commission meeting.

A general discussion took place during the meeting concerning land use (both current and future) and the direction the Township should take with respect to the next steps concerning the draft zoning ordinance amendment.

During the discussion, Jane Mellert inquired whether the Township could impose a moratorium on warehouse/wholesale storage and distribution uses until the zoning ordinance amendment is updated. Solicitor Backenstoe indicated that the Township could impose a moratorium only if the zoning ordinance was determined to be unconstitutional.

ACTION: Motion was made by Glenn Borger and seconded by Joyce Lambert to table this matter and to hire an experienced professional planning consultant to review draft provisions for warehouse/wholesale storage and distribution uses and make recommendations to the Township.

Prior to the vote, Chairman, Randy Heard, asked if there were any comments from the governing body or the public.

Peter Albanese questioned what the intent of the Township is with respect to adopting this draft ordinance. He indicated that the draft ordinance as written would preclude almost all commercial and industrial uses in the Township. It was noted that the ordinance as written will not be adopted, and that the Township recognizes the need to review the draft provisions.

Motion approved. Vote 4-0-1, with Stephen Hurni abstaining.

13. Executive Session Request: Possible Real Estate Acquisition:

The Board of Supervisors convened an executive session to discuss possible real estate acquisition. The executive session was held from 9:35 PM to 9:45 PM.

14. Possible Official Action Following Executive Session:

No official action was necessary taken by the Board of Supervisors following the executive session.

BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:

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

ACTION: Motion was made by Glenn Borger and seconded by Joyce Lambert to approve the June, 2021 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 REPORT:

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

ACTION: Motion was made by Glenn Borger and seconded by Joyce Lambert to approve the June, 2021 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:

1. *Alex Cortezzo, Fire Chief*- Fire Chief Cortezzo announced that the Fire Company's Barbeque Chicken event is scheduled for July 17th at 4:15 PM. Additionally, Chief Cortezzo reported that the Fire Company is still in the process of obtaining its liquor license.

2. ***Don Moore, Resident-*** Resident Don Moore inquired as to whether a member of the Board of Supervisors voted on something where there was an identified conflict, would that disqualify the vote. Solicitor Backenstoe responded that it would disqualify the vote of the Supervisor, but it may not disqualify/void the entire vote, depending on the outcome of the vote. Each instance would have to be looked at on a case-by-case basis by the State Ethics Commission. Don Moore stated that everyone in the room knows what he is referring to. Dave Backenstoe stated that he truly has no idea as to what Mr. Moore is referencing.

BOARD OF SUPERVISORS REPORTS:

1. ***Randy Heard, Chairman-*** No report.
2. ***Glenn Borger, Vice Chairman-*** No report.
3. ***Joyce Lambert-*** No report.
4. ***Jane Mellert-*** No report.
5. ***Stephen Hurni-*** Reported that there is no update to provide for the pending arbitration decision at this time.

SOLICITOR'S REPORT- DAVID BACKENSTOE, ESQUIRE:

Solicitor Backenstoe did not have any additional agenda items besides what was already addressed during 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. The motion was approved unanimously.

The meeting adjourned at 9:52 P.M.

Respectfully submitted,

Thomas Petrucci
Township Manager/Secretary
Plainfield Township
Board of Supervisors