

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
OCTOBER 13, 2021**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, October 13, 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 was excused from attending the meeting.

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

I. TOWNSHIP SECRETARY– THOMAS PETRUCCI:

1. Approval of the September 8, 2021 Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the September 8, 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 September 23, 2021 2nd Regular Meeting Minutes (DRAFT):

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the September 23, 2021 2nd regular meeting minutes as presented.

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

Motion approved. Vote 4-0.

3. Agricultural Security Area Application Received September 7, 2021 (Tax Map Parcel ID # G9-13-2-0626- 3.0 Acres):

Tom Petrucci explained that the majority of this property is in Washington Township, so that is how an Agricultural Security Area less than ten (10) acres could be approved in Plainfield Township. This was confirmed with Maria Bentzoni, who is the Director of the Northampton County Farmland Preservation program.

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the advertisement of a public hearing to consider the approval of the required resolution for the Agricultural Security Area Application Received September 7, 2021 (Tax Map Parcel ID # G9-13-2-0626- 3.0 Acres).

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

Stephen Hurni inquired as to what happens if Washington Township does not approve the application, and Tom Petrucci reported that Washington Township has already approved the application subject to the completion of the one-hundred-eighty (180) day run-off period.

Motion approved. Vote 4-0.

4. Approval of 2021 Codification Update – General Code:

ACTION: Motion was made by Jane Mellert and seconded by Joyce Lambert to approve the annual codification update for 2021 in an amount not to exceed \$1,900.00.

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

Stephen Hurni inquired as to whether Ordinance No. 405 would be included in the codification update, and Tom Petrucci indicated that Ordinance No. 405 (warehouse ordinance) was not adopted.

Motion approved. Vote 4-0.

5. Approval of Resolution No. 2021-20: Authorization of the Disposition of Certain Records of the Municipal Tax Collector:

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve Resolution No. 2021-20 to authorize the disposition of the following records of the Elected Tax Collector in accordance with Act 428 of 1968 requirements:

- 1. Tax Certifications for the fiscal/calendar year 2018 and prior.**
- 2. Stamped Tax Bills for the fiscal/calendar year 2018 and prior.**

3. Monthly Reports of the Tax Collector for the fiscal/calendar year 2013 and prior.

4. Tax Duplicates for the fiscal/calendar year 2013 and prior, conditioned upon the Tax Collector delivering electronic records to the Township prior to destruction.

5. Moving Permits in the possession of the Tax Collector for the fiscal/calendar year 2018 and prior.

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

Motion approved. Vote 4-0.

6. Approval of Indemnification Agreement: Lehigh Valley Meats Special Exception Use/Site Plan Application (6092 Sullivan Trail):

The applicant's attorney, who is Tom Harper, provided an overview of the request of Mr. Bub Herfurth, who was also in attendance, to commence construction activities for the above-referenced address/project without first obtaining a Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT). In order to permit this action to occur, the Township must approve an Indemnification Agreement that is executed by the applicant and approved by the Board of Supervisors. The Indemnification Agreement, among other things, requires the applicant to replenish his professional services escrow account and submit a Certificate of Insurance to the Township naming the Township as an Additional Insured. The Indemnification Agreement was reviewed by the Solicitor, Township Manager, and Zoning Officer. The Agreement absolves the Township of liability should an issue arise during the construction period while the Highway Occupancy Permit has not been issued.

Solicitor David Backenstoe clarified that the approval of this Indemnification Agreement for this application would not set a precedent due to the fact that it is an existing lawfully non-conforming use (i.e. they can operate now). If the applicant does not break ground in the near future, the applicant runs the risk of losing financial funding for this project to reconstruct the existing facility. A building and zoning permit will allow for construction to commence; however, it will not allow the applicant to occupy the building (this requires the issuance of a Certificate of Occupancy).

ACTION: Motion was made by Jane Mellert and seconded by Glenn Borger to approve the Indemnification Agreement for the Lehigh Valley Meats Special Exception Use/Site Plan Application (6092 Sullivan Trail).

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.

II. TREASURER – KATELYN KOPACH:

1. Approval of the September, 2021 General Fund Disbursements (\$325,768.91)

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to approve the September, 2021 General Fund Disbursements in the amount of \$325,768.91.

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 September, 2021 Treasurer’s Report:

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

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

Motion approved. Vote 4-0.

3. Approval of Real Estate Tax Refund: 5962 Shady Lane in the amount of \$60.00:

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the issuance of a Real Estate Tax refund in the amount of \$60.00 for 5962 Shady Lane.

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.

4. Approval of Ordinance Advertisement: Non-Uniform Pension Plan Mortality Table – Pub-2010 General Projected Using Scale AA2020 (Recommendation of Girard Pension Services/Foster and Foster- Actuary):

As communicated to the Township during the September 7, 2021 Non-Uniform Pension Plan Committee meeting, the Township’s plan actuary is recommending a change to the mortality table in use by the Township.

The plan actuary is recommending that the Township switch to a new mortality table (Pub-2010 using scale AA2020) from the current mortality table of RP2000 (using 2017 updated figures). Switching to the Pub-2010 mortality table will require an ordinance revision, which will be reviewed during the October 13th regular Board of Supervisors meeting. Pub-2010 is the first mortality table specifically released for public-sector retirement plans; the table was released by the Society of Actuaries (SOA) in 2019. Using this table will result in an increased pension liability because the Pub-2020 scale AA2020 shows that public sector general employees actually live longer than the rest of the populace.

This change will increase the 2022 Non-Uniform Pension Plan Defined Benefit Plan Minimum Municipal Obligation (MMO) from \$35,002.00 to \$38,299.00 (\$3,297.00).

This ordinance will also allow the Board to change the mortality table in use by resolution in the future as opposed to an adopted ordinance.

In response to a question asked by Jane Mellert, this change is not a requirement at this time- it is a recommendation. Jane Mellert stated that she is concerned about the numbers that are in the table.

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve advertising an ordinance which would change the actuarial mortality table in use for the Non-Uniform Pension Plan to Pub-2010 General Projected Using Scale AA2020 as recommended by Girard Pension Services/Foster and Foster- Actuary.

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.

5. Receipt of Non-Uniform Pension Plan State Aid- \$33,580.97:

- 2021 Defined Benefit Minimum Municipal Obligation (MMO) amount- \$34,779.00
- Amount paid to date for 2021 Defined Benefit MMO- \$26,084.25
- Distribution to Nationwide Custodian Account- \$8,694.75
- \$24,886.22 of State Aid kept in General Fund
- Remainder of 2021 Defined Contribution MMO based on actual payroll disbursements

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the distribution of the 2021 Non-Uniform Pension Plan State Aid in accordance with the above-listed amounts in order to satisfy the Township's

2021 MMO requirements. It was noted that the Non-Uniform Defined Contribution Plan distribution amounts are based on the actual payroll amounts.

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

Stephen Hurni inquired how long the funds can stay in the General Fund. Tom Petrucci explained that the funds are unassigned. The Township has already paid through three quarters of 2021 towards the MMO. This action will allow the Township to meet its 2021 MMO and not exceed it.

Jane Mellert stated that the Township is merely reimbursing what it has already paid towards the MMO.

Motion approved. Vote 4-0.

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

1. Letter of Credit Reduction Request 4 Approval: ASGCO Manufacturing Land Development:

Township Engineer Jeff Ott informed the Board of Supervisors that the Township had received a request from the developer of the ASGCO Manufacturing Land Development to further reduce the amount of the Letter of Credit that is held in security to complete the required improvements for the project. Mr. Ott is not recommending a reduction to the Letter of Credit at this time due to the fact that the Township Engineer is requiring an as-built plan to be submitted which would document certain modifications that have been made to the approved land development plan.

Solicitor Dave Backenstoe reminded Mr. Ott of the statutory response requirements set forth in Section 510 of the Municipalities Planning Code (MPC). The Township Engineer needs to send a letter to the applicant to explain the technical reasoning for the disapproval of the Letter of Credit reduction request.

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to not approve Letter of Credit Reduction Request No. 4 as submitted by the developer of the ASGCO Manufacturing Land Development, in accordance with the recommendation of the Township Engineer.

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

Don Moore inquired as to whether the as-built plan that is being requested supports the existing improvements or is for future expansion. Jeff Ott clarified that it is for existing improvements on the site (not additional improvements).

Motion approved. Vote 4-0.

Jeff Ott left the meeting.

IV. TOWNSHIP MANAGER – THOMAS PETRUCCI:

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

- The Community Visual Preference Survey was sent out via the NIXLE alert system earlier in the day.
- Tom Petrucci announced that the next meeting of the Slate Belt Multi-Municipal Comprehensive Plan is scheduled for Wednesday, November 3, 2021 at 7:00 PM at the Fire Department Social Hall.

Don Moore inquired if the survey is available online, and Tom Petrucci stated that the survey is posted on the Plan Slate Belt website.

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

- The sub-committee of the Act 537 Official Plan will meet in October, and the actionable results of this meeting will be forwarded to the Planning Commission and the Board of Supervisors so that the Act 537 Official Plan can move forward to the Pennsylvania Department of Environmental Protection.

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

- No report was provided.

4. Capital Reserve Fund Expenditure Approval- 439.200: Donegal Construction Full-Width Milling (Balance of Project- Getz Road and Rasleytown Road- 47,410 square yards)- \$38,265.93. Original Total Contract Price- \$73,485.50; Final Total Contract Price (including Grand Central Road)- \$70,071.36:

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve paying the invoice to Donegal Construction in the amount of \$38,265.93, which is the balance of the milling project, for the 47,410 square

yards of milling work that was conducted on Getz Road and Rasleytown Road. The funds shall be distributed out of the Capital Reserve Fund (439.200).

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.

Tom Petrucci took a moment to recognize the exemplary job that the Plainfield Township Road Department (along with assistance from Wind Gap Borough Public Works, Bushkill Township and Moore Township) did resurfacing Getz Road and Rasleytown Road, which combined are just over 2 miles of roads.

Resident Nolan Kemmerer asked how much money was saved by the Road Department conducting the work. Tom Petrucci estimated about \$75,000.00 (this is not a final determination), as the Township received work that included multiple passes of 3” of base material and 2” of wearing course material for roughly the same price as 3” of base material conducted by an outside contractor.

5. Capital Reserve Fund Expenditure Approval- 436.000: Flyway Excavating, Inc.- Little Bushkill Creek Streambank Restoration- Phase 1- \$32,732.00:

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to approve paying the invoice to Flyway Excavating, Inc. in the amount of \$32,732.00 for the Little Bushkill Creek Streambank Restoration (Phase 1) project. The funds shall be distributed out of the Capital Reserve Fund (436.000).

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

Motion approved. Vote 4-0.

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

This ongoing matter was previously tabled by the Board of Supervisors during the September 23, 2021 second regular Board of Supervisors meeting.

Jane Mellert questioned whether the Township should ask the Slate Belt Regional Police Commission to reconsider the previous offer.

It was noted that third party arbitration services would not be a cost-effective option to solve this ongoing issue.

Resident Nolan Kemmerer stated that this issue is over ~\$20,000.00, and this has been discussed over five (5) or six (6) meetings. He stated as a resident that it was his opinion that the Township should just give the Commission the money in order to close out this issue.

Jane Mellert stated that the Township has exhibited patience in this matter, and that there has not been any give and take by the Commission. She also noted that the Township is looking at replacing the phone system, and the Township has also offered to pay for the new secure bay garage building. The Commission is asking to go back on a previously approved contract that was agreed upon by all parties. The Commission should take into account the additional expenses that the Township is putting out when factoring in the review of the Township's proposal.

Nolan Kemmerer stated that the Township would have to upgrade its phone system for both sides of the building regardless of whether the police were occupying the building or not.

Adrienne Fors asked what happens if no Lease Agreement is approved. Jane Mellert stated that the Township and Commission must approve something between now and the end of the year.

Stephen Hurni stated that both sides are already in agreement about the twelve (12) month rebate period; the only remaining issue is whether or not to approve the eighteen (18) month rebate period.

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to send correspondence to the Slate Belt Regional Police Commission advising them that a third party arbitrator option was reviewed and ultimately determined to not be feasible; additionally, requesting that the members of the Slate Belt Regional Commission (SBRPC) collectively reconsider the Lease Agreement proposal which was originally submitted to the SBPRC on September 9, 2021. The proposal is restated for reference as follows:

- Plainfield Township proposes a Lease Agreement with a term of five years and a rent amount per square foot of \$10.00 with no automatic rent percentage increases for the entire term of the Lease Agreement. Aside from the term and the rent amount, all other aspects of the 2018 to 2021 Lease Agreement dated January 18, 2018, including but not limited to the established rental area square footage figure of 3,766, would remain the same.
- Plainfield Township proposes a credit period for the new Lease Agreement whereby the SBRPC member municipalities would not have to pay rent to Plainfield Township for the use of the Slate Belt Regional Police Department

(SBRPD) Police Station for one year. This credit would cover the entire 2022 fiscal year (January 1, 2022 to December 31, 2022).

- Plainfield Township proposes to add a clause to the Lease Agreement which denotes that all maintenance costs will be calculated on an annual basis and any overage (the amount of the rent received minus the maintenance costs) will be refunded to the SBRPC member municipalities. Alternatively, it is proposed to add a provision whereby the SBRPC could vote on a refund of any payment overage or for the funds to remain in the police budget to reduce the cost to the municipalities for the following fiscal year's budget. If the SBRPC is amenable to the overall concept of this provision- that any applicable future rent overages should be returned in a mutually agreed upon method, it is necessary for the Lease Agreement to define what constitutes maintenance costs versus capital expenditures.
- The previous Lease Agreement (2018 to 2021) was negotiated in good faith and its provisions were agreed upon by all member municipalities of the SBPRC. Any overage amount between the amount of the rent received by Plainfield Township and the actual maintenance/operating costs incurred by Plainfield Township during the term of the 2018 to 2021 Lease Agreement was completely unintentional on the part of Plainfield Township officials.
- It would be prudent for the SBRPC (working in tandem with the governing bodies of the three member municipalities) to develop a long-range strategic plan which addresses a future vision for the organization over the next five to ten years and beyond.
- The SBRPC Charter Agreement and SBRPD Pension Plan documents should be revised and updated.

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

Motion approved. Vote 4-0.

7. Approval of 2022 Slate Belt Regional Police Department Budget (Proposed):

Tom Petrucci provided an overall summary of the 2022 Proposed Slate Belt Regional Police Department Budget, which is documented as follows:

The Plainfield Township Police Service Fee for 2022 as forwarded to the Board of Supervisors by the Slate Belt Regional Police Commission is a total of \$1,305,499.89,

which is an increase of \$10,514.59 from the amount paid by Plainfield Township in 2021.

The total budget amount of the Slate Belt Regional Police Department Budget for 2022 is \$3,379,081.64 when factoring in all municipal contributions, the revenue derived from the Pen Argyl Area School District for the School Resource Officer program, grants, and other miscellaneous revenues.

The municipal contributions total \$2,542,898.45, with Plainfield Township contributing \$1,305,499.89 (.81% increase from 2021 in the amount of \$10,514.59), Pen Argyl Borough contributing \$668,294.97 (.64% increase from 2021 in the amount of \$4,236.36), and Wind Gap Borough contributing \$569,103.58 (1.35% decrease from 2021 in the amount of -\$7,791.23). **It is important to note that the 2022 Slate Belt Regional Police Department Budget utilizes \$225,000.00 in carryover funds to balance the budget, with another ~\$225,000.00 held in reserve.**

The percentage breakdown of the formula cost allocation of the municipalities is provided as follows:

Total Municipal Costs- Police Services	Percent of Budget
Plainfield Township	0.5133904951
Pen Argyl Borough	0.2628083598
Wind Gap Borough	0.2238011451
	1.0000000000

The Charter Agreement of the Slate Belt Regional Police Department requires the proposed Budget of the Regional Police Department to be approved no later than November 1st of the preceding fiscal year.

The Slate Belt Regional Police Budget as currently proposed for 2022 will require a modification to the cost allocation formula, which will retain the same 2021 cost allocation formula distribution, identified as follows:

35% Assessed Value	30% Population	30% Weighted Incidents	5% Road Mileage
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**Please note that the definition of “Incident” within the Charter Agreement for the 2021 fiscal year will be modified as follows:*

Article V (entitled Cost Assessment) Section (B)(2)(c)(1) (entitled Definitions)

(1) Definition. The term “incident”, as used in the formula, shall mean a matter or service that results in at least two (2) of the following:

- a. a police response;*
- b. a written report; or*
- c. the assignment of a case number;*

The Chief shall have the responsibility to track and tally incidents occurring in each Municipality and shall report the number of incidents on a monthly, quarterly, and yearly basis. The incident numbers shall be weighted and shall utilize the nationally accepted International Association of Chiefs of Police weighted calls for service scale, as amended.

Please note that the above-described cost allocation modification was also in effect for the 2021 and 2020 fiscal years. The Slate Belt Regional Police Department Budget comprises approximately forty percent (40%) of the overall Plainfield Township General Fund Budget.

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the Plainfield Township share of the 2022 Proposed Slate Belt Regional Police Department Budget in the amount of \$1,305,499.89 (as presented) and to send correspondence to the Slate Belt Regional Police Commission confirming the same on or before November 1, 2021 as required by the Charter Agreement.

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

Motion approved. Vote 4-0.

8. Approval of Advertisement of Ordinance No. 408: Amendment to Slate Belt Regional Police Department Charter Agreement:

Stephen Hurni and Jane Mellert recommended that the Charter Agreement should be amended prior to agreeing to a formula revision beyond the 2022 fiscal year.

ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the advertisement of Ordinance No. 408, which amends the Slate Belt Regional Police Department Charter Agreement to revise and apportion the current Operational Costs Assessment using a weighted formula based upon

assessed real estate-property valuation (35%), population (30%), number of weighted incidents (30%), and road mileage (5%), conditioned upon all three (3) communities approving the formula revision for the 2022 fiscal year only.

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.

Stephen Hurni noted that he, Jane and Tom Petrucci had spent quite a bit of time reviewing a potential amendment to the Charter Agreement, and that this has been met with resistance to date. Jane Mellert noted that the Charter Agreement needs to be updated- specifically referencing the current unworkable deadline for the proposed/draft police budget to be forwarded to the municipalities by September 1st.

9. Discussion on Municipal Building Phone System Replacement/Possible Official Action (ARPA Eligible; State Contract/COSTARS pricing in effect until 12/31/2021):

ACTION: Motion was made by Joyce Lambert and seconded by Stephen Hurni to authorize the Township Manager to execute the COSTARS proposal (state contract number 4400017875- COSTARS members are authorized to participate) with ET&T in the amount of \$34,364.08 to install a new phone system at the Plainfield Township Municipal Building/Police Department Station.

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

It was noted that this proposal is for both sides of the building (municipal office/police department), and that the administration of the Slate Belt Regional Police Department had assisted Tom Petrucci in the development of specifications of the new system.

Motion approved. Vote 4-0.

10. Consideration of Donation to Community Action Committee of the Lehigh Valley (CACLV): Review of 990 Form:

As requested during the September 23, 2021 Board of Supervisors meeting, Tom Petrucci had researched the most recent 990 form (2019) filed by CALV and reported the following:

- The organization takes in revenue of just over \$22,000,000.00. Of that revenue, ~90% is comprised of grants/donations/contributions.

- Staff revenue accounts for about 20% of the revenue received.
- Major program costs include the following:
 - Expenses of \$14,213,435
SECOND HARVEST FOOD BANK OF LEHIGH VALLEY AND NORTH EAST PENNSYLVANIA
 - Expenses of \$3,014,225- WEATHERIZATION OF 774 HOMES
 - Expenses of \$752,210-
SIXTH STREET SHELTER/TURNER STREET APARTMENTS/FERRY STREET APARTMENTS
 - Expenses of \$2,237,628-
CAMPAIGN FOR RACIAL AND ETHNIC JUSTICE

Total program service expenses \$20,217,498

- The organization has just under \$10,000,000.00 in assets.
- Board members are not compensated; the director earns over six figures.
- Various sub-contractors are utilized for the above-listed major programs.

Glenn Borger stated that once he had reviewed the financial information, he was satisfied with the scope of the program services that are offered.

ACTION: Motion was made by Glenn Borger and seconded by Jane Mellert to approve a donation to the CACLV in the amount of \$1,000.00.

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

None of the residents that were in attendance objected to the idea of sending a donation to the CACLV.

In response to a question by Stephen Hurni, Dave Backenstoe stated that the Township can make this donation and it does not obligate the Township to submit further donations in subsequent budget years.

Motion approved. Vote 4-0.

Resident Paul Rinaldi Jr. strongly encouraged those in attendance to volunteer their services for a CACLV food distribution event in order to realize the scope of the impact of the organization.

11. Approval of Required Engineering Designs and Geotechnical Evaluations: Municipal Complex Salt Storage Shed Replacement Project:

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to approve the professional services geotechnical evaluation proposal submitted by Geo-technology Associates, Inc. (GTA) for the salt storage replacement project in the amount of \$8,000.00 (including utility evaluations).

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

Tom Petrucci reported that this project is partially funded by a Local Share Account grant in the amount of \$50,000.00.

Resident Nolan Kemmerer stated that this expenditure seems excessive from a cost standpoint and questioned whether it was necessary- citing the fact that the new building is being placed within the area of the existing concrete pad and there are no known issues right now.

Motion approved. Vote 4-0.

The proposal for the engineered designs for the building itself will be brought up at a subsequent meeting.

12. Review of Revised Draft Ordinance: Fireworks Regulations (DRAFT dated September 21, 2021):

Tom Petrucci reviewed the following options for the governing body to consider:

1. Advertise the revised draft ordinance dated 9/21/2021 for adoption.
2. Advertise the previously drafted ordinance (with no revisions).
3. Do nothing; inaction would have the same effect of the Township continuing to follow the regulations that are adopted at the level of the Commonwealth (i.e. Act 43 or any subsequent amendment; successor legislation to Act 43).
4. Continue to work on the ordinance at the level of the Planning Commission and/or Board of Supervisors.
5. Send out a survey to residents to gain insight into the overall sentiment of the community about this important issue (“To regulate or not to regulate?”)

Solicitor Backenstoe raised the point of possible preemption by Commonwealth regulations. He noted that someone could file a challenge that the Township is preempted, and he would not know the outcome of such a challenge. He also noted that the Township's proposed regulations are not unreasonable.

Paul Rinaldi Jr. questioned whether this issue has arisen across the state, and Dave Backenstoe and Tom Petrucci responded that many municipalities have already adopted the same scope of regulations that the Township is currently considering. Hours of use and holiday restrictions are the most common provisions. Almost all have regulations for display (commercial grade) fireworks.

Don Moore stated that his quality of life is severely impacted by the use of consumer fireworks in the area of his home. He also questioned whether the survey will guide the regulations (for example, if only 8% of the respondents state that they are in favor of regulations).

Jane Mellert stated that she was under the impression that these regulations were a recommendation of the Planning Commission, but when this matter was reviewed by the Planning Commission, there was a significant difference of opinions that were communicated.

Mr. Moore stated that the discussion which occurred at the level of the Planning Commission was political in nature, and he believed that there was a lack of empathy from certain Planning Commission members when discussing this issue.

Glenn Borger noted that this issue is difficult to regulate, as many residents will be in favor of regulations and many residents will not be in favor of regulations. The main issue is a lack of respect between individuals.

After the discussion about this matter concluded, the Board of Supervisors took action.

ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to authorize the Township Manager to draft and distribute a survey to Plainfield Township residents in order to gain insight and feedback into possible/proposed regulations concerning the use of consumer fireworks. Criteria to be included should include a brief narrative and discussion on regulation components (including but not limited to hours and days and the overall scope of the regulations).

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

Jane Mellert inquired as to how the survey will be distributed, and Tom Petrucci stated that he will use Survey Monkey and the NIXLE alert system.

Tom Petrucci stated that the survey should be “to the point”, as a wordy and lengthy survey will cause residents to tune it out.

In response to a question by Chuck Piazza, Tom Petrucci stated that the enforcement structure would be based on a summary offense (up to \$1,000.00 per violation as set by a local magistrate).

Motion approved. Vote 4-0.

BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:

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

ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the September, 2021 Reports as listed and presented.

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

Motion approved. Vote 4-0.

SLATE BELT REGIONAL POLICE DEPARTMENT REPORT:

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

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

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

Motion approved. Vote 4-0.

CITIZEN’S AGENDA/NON-AGENDA:

Bob Cornman- Mr. Cornman also recognized the exemplary job of the Plainfield Township Road Department for the Getz Road and Rasleytown Road resurfacing project.

Adrienne Fors, Waste Management- Announced that the Chili-Kickoff had five (5) organizations participating, and that there were about 225 guests in attendance. Additionally, she reiterated that a sewage sludge plant is not currently proposed to be located in Plainfield Township. She distributed copies of some social media postings that she had seen and responded to in her capacity as a public relations representative of Waste Management. She noted that the Synagro project was formally withdrawn. She also identified that Waste Management is still evaluating expansion opportunities, and that any expansion would have to go through a formal land development process. She noted that there are about six (6) years of life left under the current operating permit.

Don Moore- Set forth a hypothetical scenario where if the landfill was expanded upon by way of a zoning amendment, he questioned what criteria and conditions could be imposed upon the applicant if it is a permitted use. Dave Backenstoe clarified that conditions would be possible as part of a conditional use hearing. It was stated that there is a risk that an applicant could state one thing and do another as part of a rezoning request. The law would allow an applicant to receive the benefit of rezoning and then take advantage of all of the rights of the underlying zoning district. What dictates everything is what is authorized by the ordinance.

BOARD OF SUPERVISORS REPORTS:

1. **Glenn Borger, Vice Chairman-** No report.
2. **Joyce Lambert-** No report.
3. **Jane Mellert-** Inquired as to the status of the Community Park Pavilion Project and the scheduling of a meeting with the architect. Tom Petrucci reported that the meeting will be scheduled once a suitable replacement location for a septic drainage field is identified. The location of the drainage field will guide the final design and location of the building itself. The previous area that was set aside for the drainage field that “was not to be compacted” on the plans was in fact compacted.
4. **Stephen Hurni-** Reported that Slate Belt Regional Police Department Chief Jonathon Hoadley is nearing completion of the Northwestern School of Policing program, and he currently has a GPA near 98. In November, the Chief will begin the process of hiring up to five (5) part-time officers to supplement the full-time staff.
5. **Randy Heard, Chairman-** No report.

SOLICITOR’S REPORT- DAVID BACKENSTOE, ESQUIRE:

Solicitor Backenstoe stated that he did not have any additional items to address outside of what was already discussed during the meeting.

ADJOURNMENT:

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

The meeting adjourned at 8:38 P.M.

Respectfully submitted,

Thomas Petrucci
Township Manager/Secretary
Plainfield Township
Board of Supervisors