

**PLAINFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
NOVEMBER 10, 2021**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, November 10, 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 attending the meeting via telephone, as permitted by the Second Class Township Code.

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 October 13, 2021 Regular Meeting Minutes (DRAFT):

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the October 13, 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 5-0.**

2. Approval of the October 28, 2021 2<sup>nd</sup> Regular Meeting Minutes (DRAFT):

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to table the October 28, 2021 2<sup>nd</sup> regular meeting minutes.**

*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. Notification/Next Steps: 6249 Hower Road (Tax Map Parcel ID#'s G9 1 1 0626F/G9 1 1 0626X) Real Property Acquisition by Nazareth Borough Municipal Authority (NBMA):

Tom Petrucci informed the Board of Supervisors that the NBMA acquired the Hower Farm (6249 Hower Road- G9 1 1 0626F/G9 1 1 0626X- ~80 acres), which is a preserved farm, on Monday, November 1, 2021. The Township was not informed of this transaction prior to it occurring. No one from the NBMA had reached out to the Township prior to this transaction taking place.

It is the understanding of Plainfield Township that the NBMA intends to spread Class B biosolids on the property as part of their biosolids disposal program, but the required applications have not yet been filed with the Pennsylvania Department of Environmental Protection (PA DEP). The NBMA is requesting to meet with Township officials directly, but Tom Petrucci recommends that the Board of Supervisors schedule a public meeting. The meeting attendees would include Township officials, NBMA officials, the NBMA consultant (Trudy Johnston of Material Matters), and members of the public.

David Backenstoe inquired as to whether the Board of Supervisors would seek to appoint John Embick as special environmental legal counsel for this matter.

Stephen Hurni indicated that he was upset that the NBMA never contacted the Township. Jane Mellert stated that Plainfield Township has always been thorough in its reviews, and that Plainfield Township will conduct due diligence every step of the way. The Township had no advance notice of this transaction occurring, and she understands that it is upsetting to Plainfield Township residents. She also stated that she is unaware whether or not the Hower's knew of the final intended use of the property by the NBMA. Jane Mellert has known the Hower's her entire life, and they are revered members of the community. The Board of Supervisors will ensure that all appropriate questions are asked concerning this matter.

Glenn Borger and Randy Heard stated that they are in favor of engaging Mr. Embick.

**ACTION: Motion was made by Glenn Borger and seconded by Jane Mellert to hire John Embick, Esquire, as special environmental legal counsel to the Board of Supervisors concerning the 6249 Hower Road (G9 1 1 0626F/G9 1 1 0626X) land acquisition by the NBMA.**

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

Jerry Lennon stated that it is his understanding that the property is preserved, and he inquired as to whether actions must take place as a result of the land being preserved. Tom Petrucci responded that the deed must be transferred and reference the recorded agricultural conservation easement. Mr. Lennon stated that when you look up preserved land, there is a sentiment that "we" are the guardians of such land, and he

believes that biosolids would not be able to be applied on preserved lands. Tom Petrucci responded that the spreading of the biosolids is regulated by the Commonwealth and the Township is preempted. Mr. Embick will assist the Township by pointing out the areas of the laws that are particular to this issue, so the Township does not run afoul of relevant state laws. Mr. Lennon stated that biosolids are a contaminant, and he stated that the land owned by the NBMA previously utilized by the NBMA for this purpose has been destroyed.

Jane Mellert reiterated the fact that the Township wants to hold a public meeting about this matter and will invite the public, PA DEP, Northampton County Farmland Preservation, and the NBMA so that those types of questions can be asked and answered.

Rich Lieberman addressed the Board of Supervisors and members of the public in attendance and stated that the Hower's (or their children) were not made aware that the NBMA intended to use the property to spread biosolids on the property prior to the real estate transaction taking place. He also indicated that the real estate agent was also unaware.

**Motion approved. Vote 5-0.**

**ACTION: Motion was made by Joyce Lambert and seconded by Jane Mellert to hold a special public meeting concerning the 6249 Hower Road (G9 1 1 0626F/G9 1 1 0626X) land acquisition by the NBMA. The Board of Supervisors, the NBMA, the NBMA's consultant, the PA DEP, Northampton County Farmland Preservation, and any interested residents/members of the public will be invited to attend the meeting.**

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

Numerous comments were received from the public prior to the final vote taking place. The comments are listed as follows in the order they were received:

- Robert DuBois asked whether the meeting would be open to the public, and it was confirmed that the special meeting will indeed be a public meeting.
- Jason Lewis stated that there was a discussion which occurred during the Plainfield Township Environmental Advisory Council meeting held on July 9, 2018 concerning the land application of biosolids. He inquired whether this issue could be revisited with the Northampton County Executive. Tom Petrucci responded that it is his understanding that the legislation has not changed, but this can be confirmed. The Township was actively involved in trying to amend the current legislation, but this ultimately did not get adopted by the state legislature. Jane Mellert stated that the Township had hoped to have more direct control over the spreading of biosolids in the municipality.

- Jeff Stoudt questioned how the special meeting will be advertised. Tom Petrucci responded that the meeting notice will be readily available on the Township website (plainfieldtownship.org) under the meeting agenda and minutes header; additionally, the Township will utilize the NIXLE resident alert system. Residents will not receive direct landowner notifications by mail.
- Jerry Lennon stated that the bill the Township is referring to is HHR 2218 sponsored by Representative Knowles in 2018.
- Don Moore inquired as to how many residents are on NIXLE, and Tom Petrucci responded that there are about 2,500 residents (including Plainfield Township, Wind Gap Borough and Pen Argyl Borough) on NIXLE.
- Terry Kleintop clarified that representatives of Plainfield Township had actually met with Senator Scavello and his Chief of Staff regarding the biosolids matter and made the Senator aware of a number of issues. He was looking to get other legislators to co-sponsor the legislation, which included strengthening biosolids regulations, and it is currently assigned to a committee in Harrisburg. What was proposed was not that strong, and he noted that Pennsylvania is the second highest applier of biosolids in the nation, with only Texas above Pennsylvania. He identified the fact that Texas is a much larger state than Pennsylvania (to put it in perspective). Mr. Kleintop also questioned whether Material Matters served as the consultant to the NBMA prior to the land transaction, and Tom Petrucci responded that it would appear to be the case, based upon a review of the Authority's minutes.
- Jason Lewis inquired as to what could occur on the property right now (concerning biosolids), and Tom Petrucci responded that nothing could occur right now lawfully, as there are certain obligations that must be fulfilled by the NBMA concerning PA DEP and the Northampton County Farmland Preservation Program.
- Josh Thomas asked Township officials to ascertain whether local regulations can be established that would regulate the spreading of biosolids- citing the high quality watershed of the Little Bushkill Creek and the wells of the residents that are living in the Estates at Colony Park subdivision.

**Motion approved. Vote 5-0.**

Glenn Borger made a statement that the Township has very little information about this subject matter to offer at this time. The Township was hit directly by the NBMA with this issue, and the Township is still in the process of gathering information. He expressed the sentiment that no one is happy with what has transpired, and that the Township will keep residents informed throughout this process.

Additional comments received by the public in attendance after the vote occurring are listed in the order they were received as follows:

- Rich Uliana openly wondered what steps, if any, could the Township take to attempt to stop the spreading of biosolids on the Hower Farm property. Tom Petrucci and David Backenstoe clarified that the Township does not have information to answer that question at this time. Solicitor Backenstoe further clarified that the Township is preempted by the Commonwealth of Pennsylvania concerning the use of biosolids. There have been numerous lawsuits (including in Upper Mount Bethel Township) where the courts have confirmed that local municipalities are overruled by the Commonwealth. Having said that, there are processes that need to be followed where the Township could inject itself into the review process. He assured those in attendance that the Board of Supervisors will do everything within its authority and power to protect the environment and protect Township residents.
- Millie Beahn questioned whether the real estate transaction could be voided due to the non-disclosure to adjoining landowners. Solicitor Backenstoe clarified that this was a private transaction, and he cannot answer the question at this time.
- Jerry Lennon questioned whether the spreading of biosolids will impact the Farmer's Fair- citing the fact that it is less than a mile away. He also stated that the young athletes, cyclists and walkers using Community Park will be impacted.
- Kevin Keat stated that there is a due diligence requirement on the part of the NBMA to determine whether the Township would potentially agree to such an operation. It was his understanding that the NBMA essentially "rolled the dice" without conducting due diligence, but that was merely speculation on his part.
- Solicitor Backenstoe reminded those in attendance that the NBMA meetings are public, and that those in attendance can attend the NBMA meetings. The meetings are held on the third Thursday of every month at 7:00 PM. Generally, there is very little information available online about the NBMA and its meetings. Nazareth Borough and the NBMA are two separate entities.
- Dave Sawyer stated that he has two pieces of property that adjoin the Hower Farm. He questioned whether this operation constitutes a commercial operation and whether it would be consistent with the Farmland Preservation

Program and local Township regulations. The Township will review this question.

- Don Moore also questioned whether the use constitutes a commercial use under the zoning regulations, because of the scope of the application of the biosolids. This is a question for the Zoning Officer, and this could also be addressed during the upcoming special public meeting.
- Terry Kleintop recommended that the Township should review the East Penn Township/Synagro case. His understanding of the Upper Mount Bethel Township case is that the landowner attempted to put deed restrictions on the property after it was sold. His question to the Solicitor is whether or not deed restrictions can be placed on the property prior to land preservation. Solicitor Backenstoe answered that the Hower's could have put a deed restriction on the property prior to a conveyance, but this overall question would need to be reviewed with the Northampton County Farmland Preservation program. He is not able to accurately answer the question at this time. Whatever land preservation policies that were imposed prior to the sale to the NBMA would be in full force and effect. The Township could not require property owners to place deed restrictions on their property. Don Moore questioned whether the Farmland Preservation Program would preserve the property if it had such deed restrictions, and Solicitor Backenstoe that they may in fact not be able to do so, depending on the applicable state laws. Stephen Hurni asked if the deed restriction could be removed by a subsequent landowner after a deed restriction is placed on a property by a landowner, and Solicitor Backenstoe answered that you cannot do so.
- Millie Beahn reiterated her concern about adjoining property owners receiving the impact of this operation, and she referenced how the stormwater currently flows on the property (and the direct impact to adjoining landowners). She will definitely attend the next NBMA meeting.
- Jason Lewis questioned whether there is any due diligence that must be conducted concerning the stormwater runoff of the property and impact to wetlands (i.e. the impact to the waterways and the flow of water). Tom Petrucci clarified that the NBMA must obtain approval from the PA DEP prior to spreading the biosolids, and the PA DEP reviews such specific concerns.
- Wanda Gruber questioned whether it is only Nazareth Borough included in the NBMA system, and it was clarified that there are other municipalities in the sewer franchise area, including the Townships of Bushkill, Lower Nazareth and Upper Nazareth.

- Terry Kleintop questioned Solicitor Backenstoe what would stop a company like Synagro from also applying biosolids on the Hower Farm property. Solicitor Backenstoe stated that the PA DEP could stop such an action, and that is why the Township has also engaged the services of Attorney Embick.
- Dave Sawyer stated that the NBMA previously applied biosolids to a fifty (50) acre property they owned in Palmer Township for about twenty (20) years. With the influx of warehouses in the area, the NBMA was then able to sell the property for \$53,000,000.00. This is how they had the funds to purchase the Hower Farm. It is more economically feasible for the NBMA to spread the biosolids on agricultural properties as opposed to disposing of the biosolids in a sanitary landfill. Jane Mellert stated that the Township should have been notified by the NBMA prior to the real estate transaction.
- Millie Beahn again expressed her concerns about the non-disclosure of the real estate transaction by the NBMA. Solicitor Backenstoe clarified that, to the best of his knowledge, the NBMA did not violate any laws of the Commonwealth by purchasing the property. He also informed those in attendance that a municipal authority is an agency that is in fact an extension of the Commonwealth of Pennsylvania, and to this point, are not bound to the same regulations as a borough operating under the Borough Code or a township operating under the Second Class Township Code. Municipal authorities have the right to purchase property, and that is the only action that has occurred to date, to the best of the knowledge of the Township. Jane Mellert also stated that townships and boroughs have more restrictions concerning the purchasing of real estate than municipal authorities (ex. not exceeding real estate appraisal amounts and public advertisement).
- Jason Lewis questioned whether there is an avenue to pursue if the NBMA potentially misled the parties involved in the real estate transaction. Solicitor Backenstoe stated that this would need to be addressed between the NBMA and the Hower's, as the Township and Nazareth Borough were not parties involved in the real estate transaction.
- Robert Kroboth stated that Mr. and Mrs. Hower were not aware of what the NBMA was planning for the use of the property, but their children were. Rich Lieberman stated that was not in fact true.
- Rich Uliana asked how municipal authorities are funded, and Solicitor Backenstoe answered that they are funded almost entirely by the service fees they receive for public water and/or public sewer.

- Glenn Borger again asked that the interested residents look on the Township website for the information on when and where the Township’s public special meeting will be held.

4. Approval to Advertise: Notification of Terms Expiring 1/1/2022- Citizen Advisory Board Appointment Policy:

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve an advertisement for notification of the following available Plainfield Township citizen advisory positions:**

- **Zoning Hearing Board (alternate positions available only)**
- **Planning Commission (1)**
- **Environmental Advisory Council (2)**
- **Vacancy Board Chairperson (1)**

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

Don Moore asked if the Planning Commission position was confirmed, or if it was still tentative. Tom Petrucci clarified that it is still tentative, but the Township needs to advertise just in case.

**Motion approved. Vote 5-0.**

5. Farmer’s Grove Complex – Discussion on Field Plantings/Rentals:

As previously directed by the Board, Tom Petrucci reported the following:

1. The areas where corn has now been planted at the Farmer’s Grove/parking area were traditionally planted with hay.
2. The Township has had a series of informal agreements with the Farmer’s Association concerning the use of the property (including any agricultural crops).

**ACTION: Motion was made by Jane Mellert and seconded by Randy Heard to work with the Farmer’s Association to develop and memorialize a formal arrangement for the use of the Farmer’s Grove property that is traditionally farmed by the Association and to address this matter at a subsequent public meeting.**

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

Stephen Hurni questioned whether any verbal agreements made in the past between the Board and the Association were binding, and Solicitor Backenstoe that there was no precedent set for the previous verbal agreements.

**Motion approved. Vote 5-0.**



6. Local Advertising Modernization Legislation – SB 252 and HB 955:

SB 252 and HB 955 would provide municipalities with greater advertising flexibility by providing local municipalities with the option to utilize more cost-effective electronic advertising options for required public notices. It was noted that the Township typically spends between \$16,000.00 to \$20,000.00 each year on advertising costs, and that many people no longer read legal classified ads.

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to authorize the Township Manager to send correspondence on behalf of the Board of Supervisors to Senator Scavello, Representative Flood, and Representative Emrick that expresses the support of the Board for both SB 252 and HB 955.**

*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.**

**II. TREASURER – KATELYN KOPACH:**

1. Approval of the October, 2021 General Fund Disbursements (\$247,796.44)

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the October, 2021 General Fund Disbursements in the amount of \$247,796.44.**

*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 October, 2021 Treasurer’s Report:

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the October, 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 5-0.**

3. Approval of Non-Uniform Pension Defined Contribution Plan Forfeiture- \$282.95:

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the non-uniform pension defined contribution plan forfeiture to the**

**General Fund in the amount of \$282.95 due to the voluntary resignation of probationary Road Department employee Tyler Keifer.**

*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.**

4. Approval of Non-Uniform Pension Defined Contribution Plan Refund- \$565.89:

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the non-uniform pension defined contribution plan refund in the amount of \$565.89 to Tyler Keifer due to his voluntary resignation as a probationary Road Department employee.**

*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.**

5. Real Estate Refund: 1695 Pen Argyl Road- \$90.06:

**ACTION: Motion was made by Stephen Hurni and seconded by Glenn Borger to approve a real estate refund in the amount of \$90.06 for 1695 Pen Argyl Road.**

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

Jane Mellert requested that additional information be provided from the Tax Collector concerning any real estate tax refunds in the future. .

**Motion approved. Vote 5-0.**

6. Approval of Girard Non-Uniform Pension Plan 2021 3rd Quarter Statements:

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the Non-Uniform Pension Plan 2021 3rd Quarter Statements as prepared by Girard Pension Services.**

*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.**

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

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

The Board of Supervisors accepted the attached reports of the Township Engineer dated November 3, 2021 in which no further release of the amount held in security for the ASGCO Manufacturing Land Development (currently \$793,280.13) until such time that as-built plans are provided to the Township Engineer.

*Jeff Ott left the meeting following his report to the Board of Supervisors..*

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

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

- The Community Visual Preference Survey results were reviewed during the Wednesday, October 6, 2021 Plan Slate Belt meeting. The results of the survey are available on the Plan Slate Belt website (<https://planslatebelt.org/>).
- Tom Petrucci announced that there is no meeting scheduled for December.

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

- The sub-committee of the Act 537 Official Plan held a meeting in October. Following that meeting, the plan consultant, Entech Engineering, was directed to study additional areas for possible public sewer. Tom Petrucci stressed that the areas proposed for review of public sewer feasibility were identified due to the known issues of the areas concerning lot size, malfunctions and the age of the dwelling units- not for increased development. Cost estimates will be reviewed for these possible public sewer additional study areas. Don Moore inquired as to whether this area was already looked at, and Tom Petrucci stated that the location proposed (Glass Street and Sanders Road) was not previously studied; however, it was included in the previous Act 537 Official Plan. The projected cost per resident will need to be reviewed and determined if it makes sense (and it is something that PA DEP would ultimately approve).

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

- No report was provided.

4. Approval of Advertisement in Accordance with Second Class Township Code: 2022 Proposed Plainfield Township Budget (Dated November 5, 2021):

**ACTION:** Motion was made by Stephen Hurni and seconded by Randy Heard to approve the advertisement of the 2022 Proposed Plainfield Township Budget (draft dated November 5, 2021) in accordance with all requirements of the Second Class Township Code. Prior to advertisement, one revision is necessary to increase the Open Space Fund line item 461.710 from \$150,000.00 to \$200,000.00 based on an anticipated agricultural conservation easement that would require a local Township share expenditure in 2022.

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

Terry Kleintop inquired whether the property to be closed upon for the easement is public information, and Tom Petrucci responded that it was his understanding that the Farmland Preservation Program does not disclose such information at this stage of the process.

**Motion approved. Vote 5-0.**

5. Review: Draft Warehouse Zoning Ordinance Amendment – Gilmore and Associates:

**ACTION:** Motion was made by Glenn Borger and seconded by Stephen Hurni to send the Draft Warehouse Zoning Ordinance Amendment to the Planning Commission for review and comment, to authorize Gilmore and Associates to attend the Planning Commission meeting when the draft ordinance is listed on the agenda, and to seek comments from the public and interested parties.

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

Stephen Hurni questioned whether the Board could discuss traffic at this level. Tom Petrucci stated that the draft ordinance as currently written requires a traffic study and a map of the anticipated routes to and from the proposed facility (including any new truck routes and necessary signage).

Jane Mellert has comments, but they can be addressed at the level of the Planning Commission. She is concerned about the required lot size and the buffers.

Millie Beahn questioned whether the roads to and from the facilities will be addressed. She is concerned about whether or not the roads proposed to serve the facilities can handle the weight of the tractor trailers.

Terry Kleintop questioned whether the traffic study can address any infrastructure deficiencies (ex. a posted bridge not able to handle fully loaded tri-axles).

Don Moore questioned whether the draft ordinance would be out to the public at the same time it is forwarded to the Planning Commission, and if so, whether this has occurred in the past. Tom Petrucci clarified that draft clean fill regulations were posted online prior to the finalization of the language in an attempt to specifically increase transparency (based on previously identified concerns and comments) concerning draft ordinances (prior to the advertisement of a public hearing).

Jerry Lennon questioned whether the Township can change the law that states that the assessment cannot change until a warehouse structure receives a certificate of occupancy. Tom Petrucci responded that assessment matters are solely the purview of the Northampton County Assessment Division and recommended that Mr. Lennon contact that department.

Mr. Lennon also declared that the life expectancy of the warehouse buildings are twenty-five (25) years and then warehouse buildings are unoccupied. What entity is responsible to demolish the building as an eyesore? Tom Petrucci clarified that there is no requirement to demolish the building as an eyesore merely because it is not occupied, unless the building itself is an identified threat to public health and public safety.

**Motion approved. Vote 5-0.**

6. Approval of Advertisement: Appointment of Certified Public Accountant (CPA) to Conduct 2021 Audit:

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the advertisement of the required notice to appoint Zelenkofske Axelrod as the CPA firm to conduct the 2021 Audit. The consideration of the appointment of the CPA firm will be listed on the Monday, January 3, 2022 reorganization agenda.**

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

Stephen Hurni stated that Zelenkofske Axelrod is experienced in auditing local municipalities and also audits the Pennsylvania Lottery.

**Motion approved. Vote 5-0.**

7. American Rescue Act Plan (ARPA) – Approval of Certified Public Accountant Guidance (Hourly Basis at \$250.00 per hour)- Zelenkofske Axelrod, LLC:

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to authorize the Township working with Zelenkofske Axelrod on an hourly basis, as needed, at the rate of \$250.00 per hour concerning any specific ARPA-**

related questions to ensure that the Township is adhering to all applicable federal requirements.

*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.**

8. Approval of 2022 Animal Control (Dogs) Contract: Pibbles Paws Safe Haven:

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the 2022 Animal Control (Dogs) Contract with Pibbles Paws Safe Haven.**

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

Wanda Gruber stated that many dogs are getting dumped off at places in the Township, including the Recreation Trail. Tom Petrucci stated the non-emergency dispatch number (610-759-2200) should be called when these types of incidents are directly observed.

Jane Mellert stated that she would like alternative options to be considered in the future due to the increased per capita cost of the contract.

Millie Beahn stated that the per capita figure should not include children under eighteen (18) years of age.

Tom Petrucci stated that the operating costs of Pibbles Paws increased over the past year and a half.

**Motion approved. Vote 5-0.**

9. Approval of 2022 Animal Control (Cats) Contract: No Nonsense Neutering:

**ACTION: Motion was made by Jane Mellert and seconded by Stephen Hurni to approve the 2022 Animal Control (Cats) Contract with No Nonsense Neutering.**

*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.**

10. Consideration of Contract Award: 2021-2022 Bid for Regular-Grade No-Lead Gasoline, Ultra-Low Sulfur 15 PPM On-Road Diesel Fuel (No Dye) and Ultra-Low Sulfur 15 PPM Heating Fuel Oil:

**ACTION: Motion was made by Randy Heard and seconded by Stephen Hurni to award the 2021-2022 Bid for Regular-Grade No-Lead Gasoline, Ultra-Low Sulfur 15 PPM On-Road Diesel Fuel (No Dye) and Ultra-Low Sulfur 15 PPM Heating Fuel Oil to Suburban Heating Oil Partners, LLC (Suburban Propane) for PennBid item numbers 1c, 2c, and 3c.**

*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.**

11. Approval of Ordinance No. 407: Amendment to Non-Uniform Pension Plan Mortality Table – Pub-2010 General Projected Using Scale AA2020 (Recommendation of Girard Pension Services/Foster and Foster- Actuary):

**ACTION: Motion was made by Stephen Hurni and seconded by Randy Heard to adopt Ordinance No. 407, as advertised.**

*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.**

12. Approval of Revised 2022 Non-Uniform Pension Plan Defined Benefit Plan Minimum Municipal Obligation (MMO)- \$35,002.00 to \$38,299.00 (\$3,297.00):

**ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the adoption of the revised MMO for the Defined Benefit Non-Uniform Pension Plan in the amount of \$38,299.00.**

*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.**

13. Approval of Resolution No. 2021-21: Adoption of GASB 54 Policy:

The Township must adopt a policy that meets the requirements of Governmental Accounting Standards Board Statement (GASB) No. 54 establishing fund classifications. The hierarchy of fund classification under GASB 54 is Restricted (can only be used for a special purpose by law- ex. Open Space Fund), Committed (set by Resolution of the Board of Supervisors), Assigned (typically handled by the Township Manager) and Unassigned (can be used for any purpose- ex. General Fund).

**ACTION: Motion was made by Stephen Hurni and seconded by Randy Heard to adopt Resolution No. 2021-21 (GASB 54 Policy).**

*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.**

14. Approval of Resolution No. 2021-22: Commitment of \$1,500,000.00 of General Fund Balance to Aerial Fire Truck for Plainfield Township Volunteer Fire Company (Not an Expenditure Approval):

**ACTION: Motion was made by Jane Mellert and seconded by Randy Heard to adopt Resolution No. 2021-22, which commits one million five hundred thousand dollars (\$1,500,000.00) of the General Fund balance towards the purchase of an aerial fire truck apparatus for the use of the Plainfield Township Volunteer Fire Company. The Resolution shall not be construed as an expenditure approval. The commitment of these funds can only be changed, modified or lifted only by a Resolution that is subsequently approved by the Plainfield Township Board of Supervisors.**

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

In making the motion, Jane Mellert stressed that is very difficult for the Fire Company to raise the necessary funds to purchase this fire apparatus.

Stephen Hurni indicated that he will broach the issue of possible regional grant funding to the Slate Belt Council of Governments (COG) at the next COG meeting.

Robert DuBois raised the issue of the Township not having enough funds to complete the required improvements for the Estates at Colony Park Subdivision. Tom Petrucci clarified that the escrow account for the improvements is not sufficient to complete the outstanding improvements, and that the Township will need to expend other local funds when it is time to complete the improvements, which will need to occur.

Terry Kleintop asked what the reach capabilities of the equipment is, and Fire Chief Cortezzo responded that it is one-hundred feet (100')- vertically and horizontally.

Don Moore questioned whether the need for this apparatus is based on increased development, or if this an existing apparatus replacement. Chief Cortezzo responded that this apparatus is something that the Township must currently rely on other communities to provide to the Township, and that the Township does not currently have its own aerial truck apparatus.



Don Moore also questioned whether these funds are excess funds, and Tom Petrucci responded in the affirmative. The funds represent a General Fund surplus balance accumulated over several fiscal years.

Jane Mellert stated that this equipment will last twenty-five (25) years, as confirmed by Chief Cortezzo.

Terry Kleintop stressed that developers should pay for these types of upgrades, if at all possible.

In response to a question from Dave Sawyer, Tom Petrucci reported that the balance of General Fund was approximately \$3,900,000.00 as of October 31, 2021. Following expenditures, the current balance is around \$3,500,000.00. Tom Petrucci clarified that committing the \$1,500,000.00 will not negatively impact the Township.

**Motion approved. Vote 5-0.**

#### **BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:**

1. Planning and Zoning Report- October, 2021
2. Road Department Report- October, 2021
3. Fire Company and Ambulance Report- October, 2021
4. Recreation Board Report- October, 2021 (*not provided*)

**ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to approve the October, 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 5-0.**

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

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

**ACTION: Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the October, 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 5-0.**

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

*Alex Cortezzo, Fire Chief-* Chief Cortezzo thanked the Board of Supervisors for the support provided to the Plainfield Township Volunteer Fire Company. He emphasized that they cannot do what they do without the support of the governing body, and it has been a good relationship over the last several years.

*Nolan Kemmerer-* Mr. Kemmerer stated that the Township has \$1,500,000.00 in funds set aside for the aerial truck. He requested that the Board please settle the ~\$20,000.00 matter concerning the ongoing Slate Belt Regional Police Department Lease Agreement issue. He stated that the Township has plenty of funds, so this issue could certainly be addressed. Jane Mellert stated that the Township is waiting for the other municipalities (Pen Argyl and Wind Gap) to respond to the Township. Mr. Kemmerer is concerned about the lack of a new Lease Agreement heading into December, with the current Lease Agreement expiring at the end of the year. Jane Mellert highlighted the fact that the 2022 Plainfield Township Budget includes \$1,305,499.89 in funding for the Slate Belt Regional Police Department, and that the Township is committed to adequately funding the operations of the Department.

### **BOARD OF SUPERVISORS REPORTS:**

1. *Glenn Borger, Vice Chairman-* No report.
2. *Joyce Lambert-* No report.
3. *Jane Mellert-* Is requesting an executive session at the end of the meeting to discuss a possible real estate acquisition. The executive session will not require official action following its conclusion.
4. *Stephen Hurni-* No report.
5. *Randy Heard, Chairman-* No report.

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

1. Joleone K. Kinney v. Northampton County et al; C-48-CV-2012-11513

**ACTION:** Motion was made by Stephen Hurni and seconded by Joyce Lambert to approve the stipulated settlement for the Joleone K. Kinney v. Northampton County et al; C-48-CV-2012-11513 assessment appeal (for the Chandler Estate property).

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

Terry Kleintop reported that this property recently sold for over \$9,000,000.00, and he questioned the legitimacy of the revised assessment values.

**Motion approved. Vote 5-0.**

**ADJOURNMENT:**

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

The meeting adjourned at 8:50 P.M.

*The Board of Supervisors then held an executive session from 8:50 PM to 9:32 PM to discuss the possible acquisition of real estate.*

Respectfully submitted,

Thomas Petrucci  
Township Manager/Secretary  
Plainfield Township  
Board of Supervisors