

**PLAINFIELD TOWNSHIP  
BOARD OF SUPERVISORS REGULAR MEETING  
SEPTEMBER 14, 2022**

The first regular meeting of the Plainfield Township Board of Supervisors ('BOS') was held on Wednesday, September 14, 2022 at the Plainfield Township Municipal Building located at 6292 Sullivan Trail, Nazareth, PA 18064. The public notice was duly advertised in the January 04, 2022 issue of the *Express-Times* newspaper and on the Township's website.

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: Chairman Glenn Borger, Supervisor Jane Mellert and Supervisor Donald Moore. Supervisors Randy Heard and Stephen Hurni were excused from attending the meeting.

Also present were Solicitor, David Backenstoe, Township Engineer, Jeffrey Ott, and Zoning Officer, Sharon Pletchan. Secretary/Treasurer, Selma Ritter, was excused from attending the meeting.

An emergency amendment to the agenda was brought forth by Solicitor Backenstoe to move the Township Engineer's report up on the agenda and to include the required action agenda item: "*Consideration of Approval: Advertisement of Act 167 Stormwater Ordinance Amendment for Public Notice*"; the ordinance adoption is due by September 30, 2022 per MS4 permit requirements.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to revise the agenda accordingly.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.** The following reflects the updated agenda.

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

a. Act 167 Stormwater Ordinance Amendment for Public Notice. Engineer Ott explained that a revision to Township code Chapter 23 is required per the Township's MS4 Permit through the Pennsylvania Department of Environmental Protection ("PADEP"). A condition of the permit requires that the Township update their stormwater ordinance to be in coordination with the PADEP model ordinance. He requested a motion to advertise the removal of the current Chapter 23 and replace it with the updated version. The revised ordinance is titled: "*An Ordinance of Plainfield Township Board of Supervisors Repealing in Total, Ordinance Number 289, Adopted March 4, 2005, Bushkill Creek Martins Jacoby Creek Delaware River Basin Subbasin 1 Watershed Act 167 Ordinance and Adopting the New*

*Updated PADEP Mandated Act 167 Stormwater Management Ordinance*”; PA DEP is requiring the Ordinance to be adopted by September 30, 2022. Engineer Ott requested a motion to authorize Solicitor Backenstoe to advertise the Ordinance for adoption at the September 29, 2022, 7:00 PM BOS meeting. The notice is required to be advertised for seven (7) days prior to the public meeting.

**ACTION: Motion was made by Supervisor Moore and seconded by Chairman Borger to authorize Solicitor Backenstoe to advertise the repealing of Ordinance #289, adopted March 4, 2005, in total and to adopt the updated Act 167 Ordinance at the September 29, 2022 Board of Supervisors meeting.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

b. Township Project List - Engineer Ott reported that he is keeping an updated project list to assist with tracking and the required deadlines in the absence of a Township Manager. Supervisor Mellert requested a copy of the engineer’s list to compare it with her own list. Engineer Ott will provide the list to Secretary/Treasurer Ritter and copy Zoning Officer Pletchan for distribution to the Board of Supervisors. Solicitor Backenstoe stressed the importance of tracking time limits for projects, expiration of letters of credit, and timely extension requests. Supervisor Moore asked which staff members were the point of contact for these matters. Zoning Officer Pletchan stated that Board of Supervisor matters are being overseen by Secretary/Treasurer Ritter and Planning and Zoning matters were being overseen by herself with constant coordination with Secretary/Treasurer Ritter.

c. Engler Road Stormwater - Supervisor Moore requested an update from Engineer Ott on the Engler Road stormwater project. Engineer Ott stated meetings need to be scheduled with each individual property owner to arrange for the required easement requests and to gain public input on the plan. The next step would be to complete a preliminary design, so a contractor can provide an estimate. He will begin scheduling the meetings and keep the Supervisors informed.

Chairman Borger asked if there were any comments from the governing body or the public. No additional comments or questions were stated.

**SECRETARY – SELMA RITTER SUBMITTALS:**

a. Executive Session Announcement (Personnel): Thursday, August 25, 2022 from 8:15 PM to 8:30 PM.

**ACTION: For the record, Chairman Borger announced the executive session listed above did not require official action.**

b. Consideration of Approval: August 10, 2022 Regular Meeting Minutes (DRAFT).  
Typographical corrections were requested.

**ACTION: Motion was made by Supervisor Mellert and seconded by Chairman Borger to table the minutes as revisions are required.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

c. August, 25, 2022 Regular Meeting Minutes.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the minutes as presented.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

d. Acceptance/Approval: Resignation Letter Received from Randy Heard – Board of Supervisors – Received August 30, 2022. Chairman Borger announced deep regret for receiving the letter of resignation from Supervisor Heard. Solicitor Backenstoe confirmed the vacancy would begin on the date the letter was accepted by the Supervisors. The 30-day window for appointment of a successor begins after the Board accepts the resignation. The other Supervisors shared regret and sentiments.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to accept the letter of resignation from Supervisor Heard and for the Township to send a letter of appreciation.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

e. Acceptance/Approval: Resignation Letter Received from Bruce Rabenold – Environmental Advisory Council – Received August 29, 2022. Chairman Borger announced deep regret for receiving the letter of resignation from Environmental Advisory Council Member Bruce Rabenold. Supervisor Moore stated the reason for his resignation was due to relocation out of Plainfield Township. The other Supervisors shared regret and sentiments.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to accept the letter of resignation from Bruce Rabenold and for the Township to send a letter of appreciation.**

*Chairman Borger, asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

f. Advertisement for Candidates for the Vacant Board of Supervision Position. Solicitor Backenstoe discussed the procedures in the Second Class Township Code for appointing a successor, which must be done within 30-days. If a successor is not appointed by the 30<sup>th</sup> day,

the Vacancy Board will then have 15 days to appoint a successor. If the Vacancy Board cannot appoint a successor, the matter would be petitioned to the Northampton County Court of Common Pleas to fill the position.

Supervisor Mellert discussed the need for interviewing the candidates publicly, which was confirmed by Solicitor Backenstoe. Supervisor Mellert suggested accepting applicants until September 26<sup>th</sup> and possibly holding interviews prior to the September 29, 2022 Board meeting. The date of the interview meeting will be determined after the applications are received. Supervisor Moore asked if a standard set of questions could be developed for the interviews, to which Supervisor Mellert agreed. Chairman Borger stated that the Supervisors would need to devise the questions before the interviews.

**ACTION: Motion was made by Supervisor Mellert and seconded by Chairman Borger to advertise the Board vacancy.,**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

Supervisor Mellert asked if the Zoning Hearing Board vacancies should also be advertised; the Supervisors unanimously decided they would be kept separate.

Supervisor Mellert then addressed the public, stating that it would be a nice gesture for them to send Mr. Heard or/and Mr. Rabenold a thank you letter for their service.

g. Board of Supervisors Meeting Date Change from September 22<sup>nd</sup> to September 29<sup>th</sup>.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to change the date of the next Board meeting to September 29, 2022.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

#### TREASURER – SELMA RITTER:

- a. Consideration of Approval:
- August, 2022 General Fund Disbursements (\$229,192.58).
  - August, 2022 Highway Aid Fund Disbursements (\$0.00).
  - August, 2022 Host Retro Agreement Fund Disbursements (\$0.00).
  - August, 2022 Capital Reserve Fund Disbursements (\$39,576.25).
  - August, 2022 Recreation Fund Disbursements (\$1,994.00).
  - August, 2022 Environmental Fund Disbursements (\$0.00).
  - August, 2022 Open Space Fund Disbursements (\$0.00)
  - August, 2022 Refuse Fund Disbursements (\$1,726.60)

**ACTION: Motion was made by Supervisor Moore and seconded by Supervisor Mellert to approve the Disbursements.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

b. August, 2022 Treasurer's Report.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve Treasurer's Report.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

c. Real Estate Tax Refund for 695 Rasleytown Road (\$452.18).

**ACTION: Motion was made by Supervisor Mellert and confirmed by Supervisor Moore to table this action due to illegibility of the document provided to the Board.**

Chairman Borger noted the item is tabled until resubmission is made to the Board.

d. Resolution No. 2022-21 – Appointment of Treasurer, Selma Ritter, as Chief Administrative Officer of Plainfield Township's Non-Uniform Pension Plan.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to adopt Resolution 2022-21 appointing Treasurer, Selma Ritter as the Chief Administrative Officer of Plainfield Township's Non-Uniform Pension Plan.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

e. 2023 Non-Uniformed Defined Benefit Plan Minimum Municipal Obligation (\$39,346.00).

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the 2023 Non-Uniformed Defined Benefit Plan Minimum Municipal Obligation in the amount of \$39,346.00.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

f. 2023 Non-Uniformed Defined Contribution Plan Minimum Municipal Obligation (\$19,167.00).

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the 2023 Non-Uniformed Defined Contribution Plan Minimum Municipal Obligation in the amount of \$19,167.00.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

- g. 2022 - 3rd Quarter Payments:
  - i. Fire Company Donation - \$25,000.00.
  - ii. Emergency Management Coordinator Stipend - \$600.00.
  - iii. 2022 Minimum Municipal Obligation (MMO) Defined Benefit Contribution Pension Plan - \$9,574.75 for Plainfield Township Employees.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the 2022 3rd Quarter Payments collectively, as listed above.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

CURRENT BUSINESS:

- a. Slate Belt Multi-Municipal Comprehensive Plan – Monthly Update. Terry Kleintop, the Plan Slate Belt Steering Committee Representative was not in attendance.

Supervisor Moore provided a memo and review of the meeting with Lehigh Valley Planning Commission (“LVPC”), regarding the Plan Slate Belt, which occurred last week. He expressed concerns for the lack of detail level on the new Land-Use Map and lack of Demographic Information in comparison with the current Plainfield Township Joint Comprehensive plan. He reported LVPC stated data exists but was not placed into the plan as it would cause unneeded length to the document.

The discussion continued regarding whether the Plan Slate Belt meets the standards of the Municipal Planning Code (MPC). A Plainfield Township Comprehensive Plan Sub-Committee (Don Moore, Terry Kleintop, Jane Mellert, Sharon Pletchan, Tom Petrucci, and Paul Levits), met previously and outlined questions concerning the current process and the content of the Plan Slate Belt in comparison to the current Joint Comprehensive Plan between Plainfield Township, and the Boroughs of Pen Argyl and Wind Gap. A list of questions was provided to Attorney David Backenstoe for his review. The questions were in regard to whether the mapping had enough Zoning detail and how the Municipalities would move forward with intermunicipal agreements and implementation after the plan is complete. Supervisor Moore noted that other municipalities (NAZ Comprehensive Plan) have had high costs of moving forward after adoption of the Plan. Supervisor Moore believes the associated agreements should be drafted and discussed prior to the Township adopting the plan. Supervisor Moore recommended having the Supervisors send a letter to the subcommittee to outline the concerns and request the LVPC to come Plainfield Township for a public meeting.

Solicitor Backenstoe reported that he thoroughly reviewed the document with the MPC and stated that there are multiple aspects of the comprehensive plan, including zoning mapping and implementation of zoning, which is the critical part of this process. He stated that he reviewed the NAZ plan as well which was prepared by LVPC and noted that it is consistent with the information in the Slate Belt draft plan. He confirmed that the current draft is not as detailed as the current plan, but believes that the plan probably meets the requirements of the MPC.

Solicitor Backenstoe discussed several meetings and phone conversations that were held with Ms. Bradley. He expressed concern of extensive demographic information which exists in the current plan not being detailed in the new plan. Ms. Bradley assured him that all of the data was collected as required by the MPC and it is currently available on their website. LVPC was under the impression that the steering committee chose not to include the information due to the extensive length that it adds to the document; a “streamlined, more-readable document” was requested. Solicitor Backenstoe stated that LVPC is willing to come to Plainfield Township to explain the background data and how LVPC feels that the plan meets the MPC.

An intermunicipal agreement would be the next step to coordinate zoning; private planners will be needed. Solicitor Backenstoe expressed concern that the current map does not help Townships have a discussion to develop coordinated zoning. A professional planner would not have current data of interrelationship of uses, which is important for the next planning step. He commented LVPC may refuse to add a more detailed land-use plan due to Township liability issues. He reiterated that the MPC is clear that a Comprehensive plan is only a concept plan of where a Township wants to go in the future. He reported several intermunicipal agreements may be drafted. Solicitor Backenstoe read an excerpt from the MPC related to the intergovernmental agreement matter. Coordination with Pen Argyl and Wind Gap is needed since they are part of Plainfield Township’s current plan, which has a joint Regional Police Force.

Solicitor Backenstoe suggested the intergovernmental agreements be drafted before the plan is adopted. He recommended not adopting the comprehensive plan until all Townships and Boroughs involved are comfortable with the contents.

It was determined that having a professional planner, such as Urban Research and Development or Gilmore Associates, review the plan could help provide guidance on moving forward. The Planner would be able to review the current Joint Comprehensive Plan, along with the Plan Slate Belt. The purpose would be to advise the Township on whether the Plan Slate Belt Comp Plan meets the MPC requirements, provides mapping detail and a land-use plan. Supervisor Moore and Solicitor Backenstoe discussed the possibility of hiring a private consultant with Comprehensive planning experience to review the current plan and report back to the Supervisors. Solicitor Backenstoe commented an experienced planner, such as, Charlie Schmehl at URDC may only need a couple of hours to make the determination.

**ACTION: Motion was made by Supervisor Moore and seconded by Supervisor Mellert to request quotes for private planner review of the current draft of the regional comprehensive plan to provide thought, input and education for the Board.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

Resident, Peter Albanese, asked what the Township's goal was for this regional plan. Supervisor Moore explained that the current plan is 18 years old and outdated (it is supposed to be reviewed every 10 years). Supervisor Mellert explained the County and LVPC approached the ten municipalities to request a regional plan to improve transportation and provide grant opportunities.

- b. Plainfield Township MS4/Stormwater Management Program – Monthly Briefing. Zoning Officer Pletchan noted this topic was addressed during Engineer Ott's report (above).
- c. Stormwater Materials Bid – Bid for Letting of August 26, 2022. No action was taken due to the lack of documentation.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to table the matter.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

- d. Act 537 Official Plan Advertisement of Public Notice and Transmittal to Pennsylvania Department of Environmental Protection for Sewage Management Program.

Supervisor Moore stated the plan now implements what the Township planned it to do. Chairman Borger explained two items were revised. Supervisor Mellert discussed the revision in more detail, stating that tracking is now required of the Township to ensure that properties have pumped or inspected their on-lot systems every 5 years. Supervisor Moore further explained there are impaired streams in the Township and PA DEP is mandating the Township take action. The Township looked into a sewage treatment facility providing for public septic in certain areas of the Township, which was too expensive for PA DEP to approve that method. Supervisor Mellert stated that there is a 30-day public review comment period and comments should be sent to Entech Engineering.

Resident, Nolan Kemmerer, asked for clarification for implementation of the plan. Some of the Supervisors and Zoning Officer Pletchan provided clarification for the proposed implementation methods which involves five districts. Zoning Officer Pletchan clarified the homeowner will be responsible for maintenance or inspection within a 5-year period and the Township will need to track it.

**ACTION: Motion was made by Supervisor Moore and seconded by Chairman Borger to approve the advertisement of the revised plan.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

- e. Change Order for ARM Group – Little Bushkill Creek Pollutant Reduction Plan Project #20010582 – Little Bushkill Stream Restoration managed by Kate Ebel at Wildlands Conservancy, Inc. Supervisor Mellert reported the change order amount of \$3,890.26.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the change order.**



*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

f. Appointment of Sharon Pletchan as Planning Commission Secretary.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the appointment of Sharon Pletchan as the Planning Commission Secretary.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

g. Pen Argyl Borough Letter of Support for LSA Grant Related to a Regional Recreational Aquatic Facility in the Slate Belt Area.

**ACTION: Motion was made by Supervisor Moore and seconded by Supervisor Mellert to approve a letter of support.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

h. Discussion of New Appointments (Candidates Needed):

- i. Environmental Advisory Council (EAC).
- ii. Emergency Services Liaisons.
- iii. Steering Committee, Plan Slate Belt Committee.
- iv. Zoning Hearing Board.

Supervisor Mellert discussed the current vacancies; the Environmental Advisory Council (“EAC”), Emergency Services Liaison (“ESL”) and Zoning Hearing Board (“ZHB”) each have two (2) vacancies and the Plan Slate Steering committee has one (1) vacancy. She recommended Secretary/Treasurer Ritter be appointed to attend. It was clarified the public may apply for positions on the EAC and ZHB, but the ESL and Steering committee must be filled by Township personnel.

Resident, Peter Altemose, asked for clarification as to how the vacancies have been advertised and why the current applications have not been brought forward before the Supervisors. The Supervisors clarified that all vacancies have been advertised in the newspaper and on the Township’s website; they will be posted again. Supervisor Mellert clarified the current vacancy applications will be discussed at a future meeting.

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

- a. Planning and Zoning Report- August, 2022.
- b. Road Department Report- August, 2022.
- c. Fire Company and Ambulance Report- August, 2022.
- d. Recreation Board Report- August, 2022.

**ACTION: Motion was made by Supervisor Moore and seconded by Supervisor Mellert to approve all four (4) reports collectively.**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

SLATE BELT REGIONAL POLICE DEPARTMENT REPORT:

- a. Slate Belt Regional Police Department Monthly Report- August, 2022.

Supervisor Mellert reported the Minimum Municipal Obligation Pension calculations have changed, and an update will be provided in the next report to the Supervisors.

**ACTION: Motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the report**

*Chairman Borger asked if there were any comments from the governing body or the public.*  
**Motion approved. Vote 3-0.**

CITIZEN'S AGENDA/NON-AGENDA *(There is a 5-minute time limit for speakers. Citizens are asked to state their name prior to addressing the Board of Supervisors)\**

Tom Dentith, Fred DeRea and Chris Williams.

Six members of the public including Tom Dentith, Fred DeRea, and Chris Williams, were present to discuss the fire company response, which occurred at the intersection of Teels Road and Alpine Drive in August 2022.

Tom Dentith expressed concern that the Wind Gap Fire Company did not respond to the call, although it is the closest company to the location. Public safety is their main concern. Plainfield Fire Chief, Alex Cortezzo, was present at this evening's meeting and reported that a mutual aid agreement does exist. There are current concerns about Wind Gap's safety procedures; the companies are working to resolve the matter.

Fred DeRea stated he was the first on the scene and saw the police were on the scene, along with the Plainfield Township Fire Company. Mr. DeRea expressed his concern regarding the Fire Companies working together to provide a quick response time. He stressed his concern for the elderly residents if this were to happen again.

Chris Williams stated that he was second on scene and corroborated Mr. DeRea's statement. A discussion ensued about the reciprocal agreement between Plainfield and Wind Gap Fire Companies. Plainfield Fire Company was thanked for their service.

Chairman Borger stated that the Supervisors do not have jurisdiction over how dispatch handles a call. The public feels that the agreement allows the Township to have more control. Supervisor Mellert stated when she heard of the issue, she spoke with Chief Cortezzo; she informed the public that the companies are working on resolving the issue. Supervisor Moore asked if the Supervisors need to get involved at this point; Chief Cortezzo stated that he did not feel it was necessary.

The public then asked Chief Cortezzo to clarify the hydrant issue. He stated that the current hydrants are low pressure so tanker trucks are called in. Chairman Borger summarized that action is being taken by the companies to resolve the issues.

Resident, Nolan Kemmerer asked for a status report on the posting of the vacant manager position. He stressed the need for the position to be filled as soon as possible. Chairman Borger stated that right now we moved Selma (Ritter) as acting (appointed as Secretary/Treasurer) until the end of the year and hopefully in the meantime we will get candidates. Supervisor Mellert reported that the administrative assistant position has been posted.

Joseph Statile, Waste Management (“WM”) reported that there is an impending Rail strike, which concerns the landfill as a lot of waste moves along the railroad. In planning for the strike, which may occur as early as Friday, WM reached out to PA DEP to petition for a temporary adjustment to their permit to increase the Maximum Daily Volume (MDV) to 3,500 at the Grand Central Sanitary Landfill, plus they requested Sunday hours from 7AM to 3PM. Mr. Statile asked the Supervisors to send confirmation to PA DEP that the proposed temporary plan was received and explained to the Township, which is what the PA DEP is requiring. He stated that the Supervisors approved this temporary situation in the past during the last ‘super-storm’ and during Hurricane Sandy. Discussion ensued concerning the rail interaction with the landfill, the current conditions of the Township approval and whether zoning relief would be required. It was confirmed that if the strike does not occur, the special approval would no longer be requested. Chairman Borger asked Zoning Officer Pletchan to respond via email that we received the notification.

Supervisor Mellert asked whether a motion was needed; she stated concerns for conflict with the zoning code due to tonnage limits listed in the Zoning Ordinance. Solicitor Backenstoe stated in emergency situations the agenda could be amended to add this item and make a motion. Mr. Statile expressed concern that, if the strike occurs they would need to function this Sunday, so they need official Board (immediate) action is needed. Zoning Officer Pletchan asked Solicitor Backenstoe whether this temporary approval would be possible under a State of Emergency declaration; Solicitor Backenstoe confirmed that this would be possible if a declaration occurs. Mr. Statile was under the impression that these parameters were under their PA DEP permit and not governed by the Township. The Supervisors will confirm notification from Waste Management. The Zoning Officer look further into the Zoning Ordinance matter in preparation for the September 29, 2022 meeting as the Supervisors would not have the authority to amend the zoning code, as there is no provision for emergencies.

Paul Azzaretto of Morgan Stanley provided a report of the overall status of the financial market in relation to the Township’s portfolio and answered questions.

#### BOARD OF SUPERVISORS REPORTS:

- a. Stephen Hurni – excused from meeting.
- b. Jane Mellert.
  - i. Plainfield Township Farmers Association – Grove – The five trees pictures were sent and she is having further discussions with Public Works Director, Larry Spone. She also

reported that an update to the agreement with the Association is needed for early Spring and she is working on it to bring to the Board.

ii. Clean Fill Revised Ordinance – She reported that she is still waiting to hear back from the engineer. As soon as she receives the information, she will provide it to the Supervisors and Zoning Officer Pletchan so it can move forward.

iii. Slate Belt Regional Police Department (“SBRPD”) Lease and Building Maintenance – She reported on the proposed budget for the Department and requested Board provide comments. New flooring is needed and Supervisor Mellert requested the Supervisors consider reducing the SBRPD rent payment due to this cost, so they do not have to pay rent and for new flooring in the building. The Supervisors agreed to discuss this matter at another time in relation to the current and proposed lease.

iv. Environmental Advisory Council (EAC) Minutes –the July meeting minutes have been drafted. The next meeting is scheduled in October.

v. Greenways and Trail Summit (September 26-28, 2022) – The summit agenda was provided to the Supervisors tonight. Supervisor Mellert summarized the agenda, costs and asked if any Supervisors want to register and attend. Supervisor Moore stated he was planning on attending and that it is a good program.

**ACTION: Motion was made by Supervisor Moore and seconded by Supervisor Mellert to approve registration for two Board members to attend the Greenways and Trail Summit.**

Supervisor Mellert asked if staff would be considered to attend the summit.

ACTION: Motion amended by Supervisor Moore and seconded by Supervisor Mellert to approve registration for any interested staff members or Board members to attend.

Chairman Borger then asked how many registrations would be approved. Supervisor Moore clarified that it would be unlimited. Discussion ensued concerning costs.

**ACTION: the previous Motion was amended by Supervisor Moore and seconded by Supervisor Mellert to approve registration for up to three staff or Board members to attend.**

*Chairman Borger asked if there were any comments from the governing body or the public.*

**Motion approved. Vote 3-0.**

c. Supervisor Moore reported on a mock variance hearing that he attended at LVPC. At the meeting, he learned that the Township Supervisors can request the Zoning Officer to speak on their behalf. Solicitor Backenstoe stated that this would be unusual and typically not a good practice as opinions are not admissible evidence. However, the MPC states that a Township is always a party to the proceeding, even if they do not attend, so it would be legal for a Board to make an action to have the Zoning Officer provide a report at a hearing. Typically, the Board would have the Solicitor appear in the Board’s place to enter evidence. Supervisor Moore expressed concerns for an upcoming hearing for multiple variance requests and change of use, from residential to agricultural, making the dwelling a secondary-use. He is concerned that hardships may not be able to be justified. Discussion ensued. No action was requested.

d. Glenn Borger – no report provided.

#### SOLICITOR’S REPORT – DAVID BACKENSTOE, ESQUIRE

Kneebone case – He reported he met with the Zoning Officer to review information from the Township file. He provided a summary of the various appeals and actions to the Board for the associated deck permit. With the matter being heard by the Pennsylvania Supreme Court, the ruling fell back to Commonwealth Court which repealed the granted Zoning Hearing Board variance. Solicitor Backenstoe drafted a letter, with assistance of the Zoning Officer, and provided the permittee (Mr. Lutz) until December 31, 2022 to remove the deck. If it is not removed by the deadline, Solicitor Backenstoe will move forward with legal proceedings. He reiterated to the Supervisors that Mr. Lutz was made aware that construction of the deck would be at his own risk while the matter was in the courts (Solicitor Backenstoe obtained court transcripts which confirmed this statement). Solicitor Backenstoe also reported a letter was reissued with specific language. Zoning Officer Pletchan confirmed that the entire deck under the permit including the roof would be required to be removed.

Travel Inn Motel Case - A Magistrate hearing will be in December for over 100 citations issued by the previous Township Building Code Official. Solicitor Backenstoe performed the title search that was requested by the Supervisors at their last meeting. He reported that there are about 2 million dollars of liens on the property, including a lien from the Township for \$12,000. He met with the previous Township Manager, Thomas Petrucci, and Zoning Officer Pletchan to discuss the various statutory regulations which the Township could address concerning this property in disrepair; he researched them and explained the options for the Supervisors: (1) Unsafe Structure Township Ordinance; (2) Uniform Construction Code (also which we have proceeded under); (3) Municipal Code Compliance and Bight Act; (4) Municipalities Condemnation Order Act; and (5) Abandoned Blighted Property Conservatorship Act. If the property is condemned, the Township would pay the owner fair market value, which Solicitor Backenstoe advised against.

To move forward, the Township would need an engineering study done to confirm the integrity of the structure and provide a report for the Supervisor’s review. Solicitor Backenstoe would then work with Zoning Officer Pletchan to seek an injunction asking to demolish the structure or require the structure be properly secured. Any remedial action would incur costs. First, an engineering study would be needed to proceed. The property owner has been requested to voluntarily allow for the re-inspection of the property and building, but has not yet responded yet, so additional legal action may be required to gain access to the property for the inspection. Solicitor Backenstoe stated that the magisterial court date for UCC violations is set for December 01, 2022 at 9:30 AM; he reiterated that even if the Township is successful with the upcoming hearing, it only provides for additional fines to be added on as a lien. Court testimony and an engineering report would be needed for the Township to gain any authority to secure the building. Supervisor Mellert asked if the Township could obtain a quote from Keycodes and our engineer to perform the inspection and then add the costs to the fine or penalty issued. Solicitor Backenstoe confirmed that he would recommend adding any costs incurred by the Township to the fines or penalties that the Court of Common Pleas issues. Supervisor Moore the asked if it would be possible that the Township would not receive any financial reimbursement; Solicitor Backenstoe confirmed that would be a possibility.

A citizen expressed concern for the use of tax payer funds for this matter. Solicitor Backenstoe reiterated that the Township is not moving forward with anything that will incur large costs for this reason. The public then asked about why the Township is pursuing anything at all. Solicitor Backenstoe reiterated that the public had concerns about the condition as a nuisance, and asked the Township to take action. Supervisor Mellert stated the municipal authority also asked the Township to take action, which the Township staff did an excellent job to vacate the premises for public safety.

The public also stressed concerns about the high grass on the property. Zoning Officer Pletchan stated enforcement action had already been taken on this matter without a response. Discussion then ensued concerning the Township paying for maintenance of the grass to assist with the aesthetics of the property and fire safety, which was confirmed as an option by Zoning Officer Pletchan under the Quality-of-Life code, but would involve more liens which may never be paid.

Supervisor Mellert discussed a possible option to let the financial issues take their course to force sale of the property. Solicitor Backenstoe stated that foreclosure (could be an option for the bank, but not for the Township) is an option, but the Township has requested to understand their options. Any action that is filed in the court would need to notify the mortgage company of the current issues. Supervisor Mellert requested more time to consider the options before additional measures are taken, as the garbage issue was one of the main concerns and has been resolved.

The public also voiced concerns that social media threads are blaming Wind Gap and Plainfield Township for the terrible condition of the first property that is seen off of the highway. A member of the public in attendance was not in favor of the Township spending money on this property. The lack of security of the property was discussed by Zoning Officer Pletchan, as well as the fire safety for the facility, which is being handled under the UCC violations. Zoning Officer Pletchan stated additional efforts will be focused on maintenance of the vegetation on the property.

#### Regional Comprehensive Plan

Supervisor Moore then summarized the discussion about the regional comprehensive plan. Supervisor Moore will move forward with getting quotes. Discussion then ensued concerning what is needed to provide to a consultant to review the plan. Solicitor Backenstoe stated that he was under the impression that the consultant is being hired as a third party review to provide comment as they would be looking at the plan differently as a planner. It was decided to wait to move forward with scheduling the LVPC meeting until the Supervisors receive the report.

ADJOURNMENT - Having no further business before the Board of Supervisors, a motion was made to adjourn the meeting.

**ACTION: Supervisor Mellert and seconded by Supervisor Moore to adjourn the meeting. The motion was approved unanimously.**

The meeting adjourned at 10:11 PM.

Respectfully submitted,

Sharon Pletchan  
Planning Commission Secretary  
*(Audio recorded meeting and transcribed written notes)*

Jane Mellert, Supervisor  
Board of Supervisors  
*(Reviewed and revised transcribed draft)*

*/s/ Selma Ritter*

Selma Ritter  
Secretary/Treasurer  
*(Reviewed final transcribed draft)*