

PLAINFIELD TOWNSHIP BOARD OF SUPERVISORS MEETING

June 14, 2023

The June 14, 2023, Board of Supervisors Meeting was held at Plainfield Township Municipal Building located at 6292 Sullivan Trail Nazareth, PA 18064

I. CALL TO ORDER: -- Chairman Glenn Borger called the June 14, 2023, Board of Supervisors Meeting to order at 7:00 PM.

II. The Pledge of Allegiance was Performed.

III. ROLL CALL: -- Glenn Borger, Paul Levits, Jane Mellert, Don Moore, Ken Fairchild, Jeff Ott, Township Engineer, Jeff Bartlett, Township Manager, David Backenstoe, Township Solicitor, and Kelly Unangst, Township Secretary. Absent: None

IV. ASSISTANT SECRETARY'S REPORT: -- Township Manager, Jeff Bartlett

November 15, 2022, BOS Draft Special Meeting Minutes: **A motion was made by Supervisor Mellert and seconded by Supervisor Moore to approve the Board of Supervisors Meeting Minutes for November 15, 2022. There were no comments or questions from the Board or from the audience. Vote: 5-0**

November 18, 2022, BOS Draft Special Meeting Minutes: **A motion was made by Supervisor Mellert and seconded by Vice Chair Levits to approve the Board of Supervisors Special Meeting Minutes for November 13, 2023. There were no comments or questions from the Board or from the audience. Vote: 5-0**

February 8, 2023, BOS Draft Regular Meeting Minutes: **A motion was made by Supervisor Mellert and seconded by Supervisor Moore to table the minutes for February 8, 2023, because corrections need to be made. There were no comments or questions from the Board or from the audience. Vote: 5-0**

V. TREASURER'S REPORT: Township Manager, Jeff Bartlett

Approval of General Fund Disbursements -- \$119, 150.08

Approval of Capital Reserve Fund Disbursements -- \$7,381.68

Reviewed and complete copies provided to the Board Members. **A motion was made by Supervisor Moore and seconded by Chairman Borger to approve the Disbursements for the month of May 2023. Supervisor Mellert made a comment. There were no comments or questions from the Board or from the audience. Vote: 5-0**

VI: TOWNSHIP ENGINEER: Jeffrey Ott, P.E.

Waste Management Material Recycling Facility:

Engineer Ott reviewed some of his suggestions in his response letter to the EarthRes Engineering waiver request letter dated May of 2023. This was submitted to the Planning Commission from Waste Management for their proposed Material Recycling Facility.

Representatives from Waste Management, Scott Perin, Henry Angelini, and David Allen were in attendance, as well as Waste Management's Attorney, Greg Davis. Attorney Davis began presenting the project to the Board of Supervisors. David Allen, Senior Project Manager with EarthRes for this project presented the project to the board and explained the plans that have been submitted to the Plainfield Township Planning Commission. Henry Angelini, Waste Management Representative, gave a presentation on what a Material Recycling Facility does, and how they have evolved from 20-30 years ago. This project will provide 30-35 new jobs in the area. Mr. Angelini showed a video where Adriene Fors was presenting explaining what a Material Recycling Facility is and how it functions. Attorney Davis asked if anyone had any questions. Mr. Angelini answered some questions from Board Members. Assistant Chair Levits stated that the road that is currently and primarily used by Waste Management can be accessed by the public via the cemetery. He asked if the board would like to add the condition to the waiver of when street trees, sidewalks, and curbs would be required. This was later covered in the decision making of the applicant's waiver requests.

Following EarthRes Engineering's Waiver Request Letter dated February 17, 2023, the board heard presentation, took the Township Engineer's and Township Solicitor's recommendations, and made decisions on each waiver.

1. **22-503.2.A – Plan Scale** – The applicant is requesting a waiver from the plan content. The whole property fits within a 24' X 36" sheet at 300' scale. Similarly other sheets within the Plan set are outside the scales noted in 22-503 but are appropriately used for the project to show information on one sheet. **A motion was made by Supervisor Moore and seconded by Supervisor Mellert to grant the applicant's waiver request from 22-503.2.A. No questions or comments from the Board or from the audience. Vote: 5-0.**

2. **22-503.4.A.4; 22-503.4.E.9; & 22-1020** – Monuments and Markers – The applicant is proposing to install monuments for Lot # 2, the development area, and is requesting a waiver from setting monuments for the remaining property boundary. There are no changes proposed to the existing perimeter boundary. No improvements are proposed to the northeast which is decently wooded and contains wetlands. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to grant the applicant's waiver request from 22-503.4.A.4; 22-503.4.E.9; & 22-1020. No questions or comments from the Board or from the audience. Vote: 5-0**

3. **22-1004.11.A – Utility Easements** – The applicant is requesting a waiver from the required 10 feet in width for a utility easement since the surrounding land is bounded by existing developed land with existing utilities in place. The existing utilities are constructed and located within the legal right-of-way of Pen Argyl Road. **A motion was made by Supervisor Moore and**

seconded by Supervisor Fairchild to grant the applicant's waiver request from 22-1004.11.A. No questions or comments from the Board or from the audience. Vote 5-0

4. **22-1019 – Street Trees** – The applicant is requesting a waiver because there have been no changes proposed to the existing access road and/or existing street frontages. Street trees along the MRF access drive would not provide any benefit. The established wooded areas are currently located along the existing public street frontages. **A motion was made by Supervisor Mellert and seconded by Vice Chair Levits to grant the applicant's waiver request from 22-1019. No questions or comments from the Board or from the audience. Vote: 5-0**

5. **22-1009.7.E – Drainage & Grading** -- The applicant is requesting a waiver to allow for a flat basin bottom for both proposed basins. **A motion was made by Supervisor Moore and seconded by Supervisor Mellert to grant the applicant's waiver request from 22-1009.7.E. No questions or comments from the Board or from the audience. Vote: 5-0**

6. **22-1009.7.G – Detention Basin** – The applicant is requesting a waiver from this requirement because proposed basins will be located within an existing Industrial Complex that is surrounded by existing fencing, perimeter berms, and/or a combination of both. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to grant the applicant's waiver request from 22-1009.7.G. No questions or comments from the Board or from the audience. Vote: 5-0**

7. **22-503 – Plan Content Specifically 22-503.1.A.7 and 22-503.10** requiring profiles for the proposed water distribution system. – The applicant is requesting a waiver from the plan content. The project does not propose a water main extension and is proposing service to the proposed building only. PA American Water does not require profiles for its review of the new service application and would ask the township to waive the requirement for profiles. The water line crossings have been added to the storm and sanitary profiles. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to grant the applicant's waiver request from 22-503.1.A.7 and 22-503.10. No questions or comments from the Board or audience. Vote 5-0**

8. **22-1004.16 – Private Streets** – The applicant is requesting a waiver from the right-of-way and design and construction standards for “streets” with respect to the MRF access drive. Since the access drive will service two lots, it technically qualifies as a “street” under the SALDO definition of that term. Applicant agrees that, if a third party were to come into ownership of either lot being created as part of the MRF project, the waived requirements would have to be met. Solicitor Backenstoe advised the board that if a waiver is granted that this would be the case for the property forever. A deferral, however, would allow this current applicant to be deferred from meeting these requirements, however if a third party were to come into ownership of either lot being created as part of the MRF project, the deferred requirements would then have to be met. **A motion was made by Supervisor Moore and seconded by Chairman Borger to grant the applicant's waiver request as a deferral in regard to the MRF Access Drive until**

which time a third party becomes into ownership of either lot being created as a part of the MRF project. No questions or comments from the Board or from the audience. Vote 5-0

9. **22-1015.1 – To install sidewalks along the street frontage of S.R. 512** – The applicant is requesting a waiver from the requirement to install sidewalks along the S.R. 512 frontage. Should the proposed Northern Tier trail be installed along S.R. 512, the trail would provide a safe space for pedestrian and bicycle travel and would obviate the need for sidewalks in that area. As a result, the Planning Commission recommended a deferral of the sidewalk requirement until/unless it is determined that the trail will not be installed in a timely manner. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to grant the applicant's waiver request as a waiver from 22-1015.1. No comments or questions from the Board or from the audience. Vote: 5-0**

10. **22-1004.3.B – Adjoining Streets** -- to provide minimum right-of-way and cartway widths and **22-1007.2** – to improve the existing streets to meet Township standards and a deferral of **22-1004.16** – designed and constructed to Township construction standards, 27-405 Establishment of Future Right-of-Way Widths for Roads and 22-1015.1—to install sidewalks. The applicant is requesting a waiver and a deferral from these sections to the extent that they require cartway width, right-of-way width and sidewalks for all existing applicable streets abutting the property which include, Buss Street, Glass Street, Grand Central Road, Pen Argyl Street, and Pen Argyl Road. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to grant the applicant a deferral from 22-1004.16 and 27-405. No questions or comments from the Board or audience. Vote: 5-0**

11. **22-1005.1; 22-1015.1; 22-1004.3.B; 22-1007.2 -- Landfill Access Road** – The applicant is requesting a deferral from 22-1005.1 – to install curbs, 22-1015.1 – to install sidewalks, 22-1004.3.B – to provide minimum right-of-way and cartway widths, and 22-1007.2 – to improve the existing Landfill access road to meet Township standards, until or unless either Lot 1 or 2 of the property were to be sold to another owner, a third lot is created which accesses the Landfill Access Road. Sole discretion on this determination is up to the Board of Supervisors. **A motion was made by Supervisor Fairchild and seconded by Supervisor Moore to grant the applicant's request for a deferral of 22-1005.1; 22-1015.1; 22-1004.3.B; 22-1007.2 until or unless Lot 1 or 2 were to be sold to a third party, until another lot is created, or in the event the Landfill Access Road becomes an ungated throughfare. Sole discretion on this determination is up to the Board of Supervisors. No questions or comments from the Board or audience. Vote: 5-0.**

12. **22-1009.7.B.5 & 22-1009.7.C** – basin grading is required to be within the subject property and a minimum of 5' from any property line. The applicant stated that the proposed lot line will bisect the proposed stormwater basin associated with the Transload project to be constructed on the main GCSL lot (proposed Lot # 1) leaving a portion of the basin on the main lot and a portion on the MRF lot (proposed Lot # 2). At the direction of the Township Solicitor, the applicant will prepare an easement agreement, in recordable form, and satisfactory to the Township Solicitor and Township Engineer to address access to and maintenance of the

proposed basin. **A motion was made by Supervisor Moore and seconded by Vice Chair Levits to grant the applicant's waiver request from 22-1009.7.B.5 and 22-1009.7.C with the condition that the applicant prepares an easement agreement, in recordable form, and satisfactory to the Township Solicitor and Township Engineer to address access to and maintenance of the proposed basin. No questions or comments from the Board or from the audience. Vote: 5-0**

13. 22-302.1.C to permit the Plan set as "Preliminary and Final Land Development and Subdivision Plan – The applicant is requesting a waiver from this section due to the desired project schedule. Solicitor Backenstoe reviewed the list of documentation required by the applicant. All waivers must be listed on the final set of plans. **A motion was made by Supervisor Moore and seconded by Supervisor Mellert to grant the applicant's waiver request from 22-302.1.C with the condition that No comments from the Board or from the audience. Vote: 5-0.**

VII: Public Hearing and Approval of Zoning Ordinance Amendment regarding warehouses.

Discussion between audience members and the board ensued. A review of the section of the ordinance regarding trees required and/or recommended. A review of the section of the ordinance regarding types of use that a warehouse can have took place. Audience member **Nolan Perin** was present with his attorney, Victor Scomillio. Mr. Perin questioned if he'd be allowed to have an office in his warehouse and distribute goods. Solicitor Backenstoe stated, based on the current wording of the warehouse ordinance, yes, he could. Mr. Perin raised questions regarding the type of contents that can be stored in a warehouse. Mr. Perin stated that if he wants to sell his property, and a potential buyer wants to build a warehouse on the property. Mr. Nolas feels that dependent upon what the township does regarding the changes to the Warehouse Ordinance could possibly devalue his property. The Board consulted with Solicitor Backenstoe regarding his involvement in writing Moore Township's Warehouse Ordinance. Supervisor Mellert asked if the LVPC review was received. She did not have a copy to review. The Board asked when the public hearing was advertised.

A motion was made by Supervisor Moore and seconded by Supervisor Levits to table this matter until the Board has had time to review Moore Township's Warehouse Ordinance and LVPC's review of Moore Township's Warehouse Ordinance if we can obtain this. No questions from the Board or from the audience. Vote: 5-0

VIII: PREVIOUS BUSINESS:

1. Plan Slate Belt Comprehensive Plan – Solicitor Backenstoe was asked previously by the Board to review the Comprehensive Plan and make recommendations regarding sanitary landfills and land usage. He stated that he feels the plan needs to be more comprehensive and thorough. It does not identify particular land uses. It does not identify the fact that Plainfield Township has a sanitary landfill. It does not identify the fact that Washington and Lower Mount Bethel allow for a sanitary landfill and Upper Mount Bethel allows for another type of landfill

use. Solicitor Backenstoe feels these items should all be identified in the Comprehensive Plan. He stated that it also doesn't state that these townships have the intention to have any sanitary landfills in the future. Plainfield Township has gone to great lengths to contain the landfill and Solicitor Backenstoe feels that Plainfield Township should be recognized in the Comprehensive Plan for this. Part of a Comprehensive Plan is to also state township's plans for the future. Nowhere in the plan does it currently list the fact that Upper and Lower Mount Bethel and Washington Townships all have the ability to host a landfill or recycling center. If Plainfield Township enters into a Comprehensive Plan where they are the only township listed to accept landfills and, or, recycling centers, due to the fact that the other townships were omitted from being able to do the same, then the Township would be forced to allow expansion of the current landfill, in the future, whether they want to do so, or not. Supervisor Mellert stated that she'd like to see the letter that Solicitor Backenstoe provided to the Board be sent to the 10 other municipalities involved in the potential Comprehensive Plan as well as to the Lehigh Valley Planning Commission for review. It was decided that Manager Bartlett, and Supervisors Moore and Mellert will be getting together as a sub-committee to compile a letter that will be distributed to the 10 other municipalities as well as LVPC.

2. SBRPC Lease Discussion – Manager Bartlett stated that the Police Commission meets again on June 15, 2023. He hopes we have additional information for the Township's next Board of Supervisors. Supervisor Mellert stated that Wind Gap has given their solicitor permission to send a letter to Solicitor Backenstoe and that Wind Gap doesn't know why their solicitor has not done so. She stated she is not sure what the delay is. Per Solicitor Backenstoe, he has not received anything currently. Supervisor Mellert gave a brief update on the SBRPD contract negotiations with the three municipalities. Since it is a contract negotiation, most discussions remain confidential. There are representatives from the SBRPD and the SBRPC, which is made up of members from each, Wind Gap Borough, Pen Argyl Borough and Plainfield Township. Both groups meet and negotiate the contract. She stated that this year the SBRPD included potential contract requests with their letter to the three municipalities, which has not happened in the past.

IX: NEW BUSINESS: None

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

1. Fire Company and Ambulance Report – The Board accepted these reports and **Chairman Levits announced that if anyone would like copies, we can provide them.**

2. Blue Mountain Community Library – a flier was provided to the Board and audience including the library's upcoming events.

XI: SLATE BELT REGIONAL POLICE DEPARTMENT REPORT: The monthly report for May 2023 was accepted by the board.

XII: CITIZEN'S AGENDA/NON-AGENDA ITEMS:

1. Karen Johnson was present. She verbally requested a Right-to-Know so she can see the property file for her neighbor, Ron DeCesare at 1219 Church Rd. She is investigating storm water drainage from the DeCesare property onto her property. She requested an update. Manager Bartlett stated that he reviewed both her and Mr. DeCesare's property files. They found a sketch plan from the Township Engineer who seemed to be trying to help former Township Manger, Tom Petrucci, determine what could possibly be done to help Ms. Johnson when she first came to the Township for guidance last year. Manager Bartlett stated that the sketch plan showed a French drain that was suggested to have run from the back to the front of Ms. Johnson's property which then drained into a dry well. This was the Township Engineer's suggestion for Ms. Johnson to help carry some of the stormwater runoff away from her home. There were no grading plans or stormwater runoff plans in Mr. DeCesare's property file. Both Manager Bartlett and Supervisor Moore stated that this is most likely because when Mr. DeCesare built his home, these documents were not required. Manager Bartlett stated that if there were discussions that took place between former Manager Petrucci and Ms. Johnson, they were not documented in either property file. Ms. Johnson stated that she is going to file a Right-to-Know request because she wants to see the permits that were granted to Mr. DeCesare. Solicitor Backenstoe stated that he would be happy to review both Ms. Johnson's and Mr. DeCesare's property files to see what is documented and to determine if there is anything that the township can do legally, to assist Ms. Johnson. Solicitor Backenstoe stated that he will have to research what the ordinances, codes, and regulations were at the time Mr. DeCesare built his home. He told Ms. Johnson that it may not be a matter of the Township allowing Mr. DeCesare to build his home, but perhaps they had to allow it due to lack of regulations keeping him from doing so circa 1990's.

XIII: BOARD OF SUPERVISORS REPORTS:

1. Ken Fairchild: None

2. Don Moore: SBRPD Lease

3. Jane Mellert: She would like to advertise for committee openings for the Rec Board and EAC in hopes of bringing in more applicants. She would like to know the status of the RFP for the Trailhead that was voted upon to move forward with. She would like to know when a new employee is hired even if they are part time or seasonal.

4. Paul Levits: He asked what the progress is on researching electrical rates. Township Manager Bartlett stated that most suppliers he researched are close to the same rate and have one, two, and three-year agreements. There isn't much difference in rate based on how long of a contract you sign. The advantage is that we are locked in for the term we choose if the rate increased this would not take effect until the end of our contracted term. He stated that he will provide the Board with information so they can decide how long they would like to sign a contract for. The township will not be as low as the other two municipalities because they

signed their contracts with electric suppliers at a time when the rates were much lower, but it will keep our rate from increasing over the next 1, 2, or 3 years.

5. Glenn Borger: None

XIV: SOLICITOR'S REPORT:

1. Act 537 Plan Update regarding meeting with Pen Argyl Borough

Solicitor Backenstoe stated he attended somewhat of a round table discussion where he, Manager Bartlett, and Vice Chair Levits met with 15 others on June 2, 2023. The others included Robin Zmoda, Peter Layman, the Borough Attorney, Terry Fall, the Authority Attorney, Joe LeDonne, and John Apgar. The Township agreed to provide everyone with a copy of our updated 537 Act. Pen Argyl Municipal Authority seems to be split down the middle with the idea of expanding their district to include part of Plainfield Township. Half of the Authority does not want to expand. The other half does. Solicitor Backenstoe stated that the half of the Authority that want to expand their district, feels that they would then be bringing in more revenue which would assist them in expanding their facilities. This discussion came about because CRG approached Pen Argyl Borough about facilitating their project to come to their Authority. When they declined, CRG went to Wind Gap.

2. Travel Inn Update – Solicitor Backenstoe had a meeting with representative of Northampton County. Northampton County has grant money and will assist Plainfield Township financially with cleaning up the property if Plainfield Township is the owner. One option that Solicitor Backenstoe discussed is options the Township has under the Abandoned and Blighted Property Conservatorship Act. A conservator can make a property safe and then the property owner has the option to repay the conservator (in this case, Plainfield Township) or lose the property to the conservator. Solicitor Backenstoe stated that he has only seen this done with homes. The Board would need to decide what they'd want to do with the property in the event the owner chooses to walk away from ownership and relinquish it to the Township. Solicitor Backenstoe reviewed the many requirements to petition for Conservatorship, which he feels the Township would be able to meet.

XV: ADJOURNMENT: Having no further business, a motion was made by Supervisor Moore and seconded by Supervisor Fairchild to adjourn the June 15, 2023, Plainfield Township Board of Supervisors Meeting. The meeting adjourned at 11:14 PM. Vote: 5-0

Respectfully submitted,

Kelly Roth Unangst

Township Secretary