

PLAINFIELD TOWNSHIP BOARD OF SUPERVISORS MEETING

Wednesday May 10, 2023

A meeting of the Plainfield Township Board of Supervisors was held on Wednesday May 10, 2023 at the Plainfield Township Municipal Building located at 6292 Sullivan Trail, Nazareth, PA 18064.

Chairman Borger called the meeting to order at 7:00 PM. The Pledge of Allegiance was performed.

ROLL CALL: The following supervisors answered roll call; Glenn Borger, Paul Levits, Ken Fairchild, Don Moore, and Jane Mellert. Also in attendance were Solicitor David Backenstoe, Engineer Jeff Ott, Interim Township Manager Jeff Bartlett, and Township Secretary, Kelly Unangst.

There were 21 residents in attendance. Many of the residents live on Engler Road and attended the meeting to hear the presentation on the proposed road and stormwater improvements being reviewed by the Board.

SECRETARY'S REPORT: Given by Interim Township Manager Jeff Bartlett. Mr. Bartlett requested a motion to approve the Board of Supervisor's Meeting for January 26, 2023. **A motion was made by Supervisor Mellert and seconded by Supervisor Levits to table the BOS Meeting Minutes for January 26, 2023, due to unfinished corrections. Comments from the Board:** Supervisor Levits asked how many corrections there were for the January 26th BOS Meeting. Supervisor Mellert reviewed her corrections for this set of meeting minutes. **Comments from the Audience:** A male audience member asked if this was the first time the BOS was seeing the minutes from the January meeting. Interim Township Manager Bartlett stated no, it was not. The gentleman asked why the board waits until the day of the meeting to respond to minutes that are distributed to them. Supervisor Mellert stated that the Board received these minutes at 6:00 PM the evening prior to the meeting and did not have much time to review them. The audience member stated that in his opinion, it shouldn't take four months for the board to vote on meeting minutes. **There were no further comments or questions from the Board or audience. Vote 5-0 to table the BOS Meeting Minutes for January 26, 2023**

TREASURER'S REPORT: Given by Interim Township Manager Jeff Bartlett. Check amounts totaling \$259,295.18 went out from the General Fund to pay invoices that came in. A total amount of \$2,969.87 went out from the Capital Reserve Fund. Mr. Bartlett stated that there were no other disbursements from any other account. **Comments from the Board:** Supervisor Mellert stated that she would like to see the detailed accounts payable and receivable documentation that the Board has received in the past. **Comments from the Audience:** Kelli Grim, audience member, stated that the board she works with lists what the disbursed amounts of monies went toward each month. She asked why the audience cannot see the breakdown of

funds like the board does. Brianne Kemmerer, audience member, stated that unless a resident attends a meeting to hear the amounts of accounts payable, they aren't aware since none of this information is on the township website. This audience member asked if there is a deadline of 24 hours prior to a meeting for a treasurer's report to be submitted. Interim Township Manager Bartlett stated that the issue with the numbers being available for the treasurer in advance for the first Board of Supervisor's meeting of the month is that the bank statements for over 20 accounts that the township treasurer must maintain, don't come in until the 7th or 10th of each month. It is usually a day or two prior to the BOS first monthly meeting and even sometimes afterward. Mr. Bartlett stated that in the past he has suggested that the Board move the Treasurer's Report to the second meeting of the month to make it possible for the treasurer to provide a complete report as she will be able to have ample time to reconcile all the township's bank accounts. Supervisor Moore stated that the treasurer had a planned vacation that she made the Board and Interim Manager aware of during her interview for hire therefore she was out of the office until Monday, May 8th when the bank statements came in and she returned Tuesday, May 9th leaving her only 1 day to reconcile the accounts. Interim Manager Bartlett confirmed Supervisor Moore's statement. An audience member stated that in the electronic age we are now in, anyone can go online to obtain bank statements or transactions from an account. She stated that if having the Treasurer's Report for the second Board of Supervisor's meeting of the month would allow the report to be more complete, then this should be done. **A motion was made by Supervisor Moore and seconded by Vice Chair Levits to accept the Treasurer's Report. There were no further comments or questions from the Board or audience. Vote 5-0**

TOWNSHIP ENGINEER: Jeff Ott; P.E.

Discussion and possible action on MS4 Proposal. In years past the township would handle the MS4 Permit Program. In the past, Mr. Ott stated that the previous township manager took care of this. Mr. Ott made Mr. Bartlett aware that this project needed to progress as there are deadlines to be met by September 30, 2023. Mr. Ott needs to find out what the Board would like to do to maintain compliance with their MS4 Permit. Mr. Ott stated that the PRP Plan that is in progress for the Stream Restoration Project can qualify for the PRP requirements for the Pennsylvania Department of Environmental Protection. For this reason, there is money in the amount of \$13,586 that will not be needed. Mr. Ott stated that the \$13,586 is the cost Ott Consulting would charge if they had to compile the PRP plan from scratch. Since it is in the process of being done for the Stream Restoration Project, the same plan can be used to meet the MS4 requirements. This now leaves \$13,586 of money allocated to Ott that is no longer needed. There was a discussion between Engineer Ott and board members. Interim Township Manager Bartlett requested a motion permitting Ott Engineering to move forward in the necessary steps to keep the township compliant for the MS4 Permit and that he and Engineer Ott with have discussions to update Ott's proposal now that \$13,586 less is required for Ott Consulting to complete this project. **A motion was made by Supervisor Moore and seconded**

by Supervisor Fairchild. There were no questions or comments from the Board or audience.

Vote 5-0

Presentation, discussion, and possible action on the Engler Road Project. Engineer Ott briefly reviewed the issues with Engler Rd. Runoff, flooding, and severe road deterioration were noted as well as alligator cracking, and erosion causing the base to wear away.

Storm Sewer

Option One: Very high level. 2,100 linear feet of storm sewer piping. This option includes relocating utility poles because there are several poles along the edge of Engler Rd. As engineers, Mr. Ott stated that they always try to keep drainage pipes along the edge of a road. With this option, Engineer Ott is also proposing an under-drain system to combine storm sewer and under drain since it is his understanding that there is a high-water concern here.

Option Two: Engineer Ott explains: Not moving the utility poles and moving the pipe out into the road. The road will need to be reconstructed whether or not this option is used. This option will cost less because the moving of utility poles is a great expense.

Sub-Options:

1-A: This option would follow the system that is currently in place to some extent. Discharge runoff into channel that is currently on Engler Rd. **Estimate: \$ 2 million total w/ road, drainage, culvert and retaining wall and ancillary costs.**

1-B: Delete the cross pipe and continue pipe down same side of Engler Rd. and discharge water into channel. **Estimate: with an additional \$ 356,000 for a total of \$ 1,856,000**

2-A: Pipe is in road; township Right of Way. By using a smaller pipe, this option would also not require relocating utility poles, however, more inlets and manholes would be needed to access additional areas of the pipe for maintenance as well as being connection locations to larger pipe currently on side of road. **Estimate: \$ 1,720,000** Even though utility poles are not being moved with option 2, it still comes out more expensive due to increased number of inlets and manholes. In the long run where maintenance is concerned, Engineer Ott stated that this option is also more expensive because each time access is needed to the pipe, a manhole and, or inlet needs to be accessed. This then requires increased repaving and working around those manholes. Paving so manholes are level with road.

2-B: Extend pipe to cross pipe to channel in roadway. **Estimate: with an additional \$ 378,000 for a total of \$ 2,098,000**

It is in Engineer Ott's professional opinion that option two is the township's best route to take would be 1-A. He feels this is the best engineering solution. No other private property would be disrupted outside of the S.A.L.D.O Water will continue along the path it is currently taking. All the above will require easements whether both construction and permanent or just construction. For construction purposes only would be for grading from the side of the road to the pipe placed into the road. Access to private properties will be needed to accomplish this. Part of this project would also include FDR-Full Depth Reclamation. This process includes milling a layer of roadway off and pulverizing the materials on the top, with a sub layer and base. This mixes several layers of blacktop and concrete. Treatment depths range depending on the project. After pulverization the surface is graded and sealed. A stabilizing agent is then

added, IE: Portland Cement. Materials are pulverized again to mix the cement into the matrix. Final grading is then done, followed by a steel drum roller. The road is then compacted & watered to form a solid resurfacing. Engineer Ott stated this is very cost effective, and his firm has used this method in the past in Washington Township on Rutt Road and it worked very well. It is longer lasting than patching, which Engler Road is past patching, yet costs less than complete reconstruction. Supervisor Mellert asked if the estimated costs Mr. Ott provided include surveying costs since he stated that surveying has yet to be done. Engineer Ott stated that survey costs are currently not included. Estimates given are for construction costs among other costs such as administrative costs, bonds and insurance, asphalt plans, inspections, contingencies, and engineering. The provided estimates should not be too far off from final costs.

Retaining Wall: Engineer Ott presented plans to replace some sections of the wall as well as support what is currently there. He feels this is now a much more realistic way to support the roadways now compared to when Engler Rd was initially built and the baskets currently in place were used. There was not nearly the amount of traffic or water runoff back then. **Estimate: \$ 216,600 (construction costs).** If you start adding in administrative costs, bonds and insurance, inspections, contingencies, and engineering. **Estimate: \$ 290,000. If the board decides to apply for a grant, \$ 290,000 would be the grant amount to be requested. This would bring option 1-A to \$ 1,800,000.**

Culvert: 84-inch culvert. **Estimate:** Pipe material and installation would cost \$52,000. **\$220,000** would include construction costs, administrative costs, bonds and insurance, asphalt plans, inspections, contingencies, and engineering.

Engineer Ott's recommendation is for the township to put this project out for bid as one complete project rather than bidding out each aspect separately. Supervisor Moore requested information on how the Full Depth Reclamation method is the best option for this project. Engineer Ott provided this information. Engineer Ott presented the grant options that are available to be applied for to assist in cost of this project. Most of the grants do not notify of qualification or of being awarded until Fall or early 2024. Supervisor Moore asked if there was a portion of this project that would need to be done urgently to where the township may have to pay up front in lieu of waiting for potential grant approval. Engineer Ott feels that the retaining wall would be of the most urgency from an engineering and safety aspect. Supervisor Moore asked Engineer Ott what the worst-case scenario could be of this situation. Engineer Ott stated that a best-case scenario would be for the road to fail at night when no one is around. Not that the road failing is a good scenario. A worse-case scenario would be for complete and immediate road failure to occur during the day with someone travelling over it. Chairman Borger asked if a restriction could be placed on the road to prevent certain vehicles, based on weight, from using the road. Solicitor Backenstoe stated that this can be done, but first a traffic study would be required, which takes time, the township may not have. Supervisor Levits suggested placing this project on the Board workshop meeting agenda to give the board time to decide on which option they prefer to take.

Rolling Meadows Estates 18-month Maintenance Period Final Release: 18-month maintenance period has been met. Engineer Ott recommends a motion be made to release \$3,303.33 to the applicant and to close the Rolling Meadows maintenance escrow account. **Chairman Borger made a motion to release the funds back to the applicant in the amount of \$3,303.33. The motion was seconded by Supervisor Mellert. There were no comments or questions from the board or audience. Vote: 5-0.**

Green Knights Energy Corp Escrow Release: Engineer Ott recommends a motion be made to release **\$1,222,433.10 from the Green Knights Escrow account** from the current account balance of \$1,580,181.00. This would leave a balance of \$357,747.90. **A motion was made by Chairman Borger and seconded by Supervisor Fairchild to release a check to Green Knights Energy Corp Escrow fund in the amount of \$1,222,433.10. There were no comments or questions from the board or audience. Vote: 5-0**

***Moved to New Business on the agenda to address items that required Engineer Ott to be present. ***

NEW BUSINESS:

#2—Request for Time Extension for Proposed Winery Vineyard and Special Event Space Conditional Use to December 8, 2023, due to DEP Planning Review. Farmstead Realty Holdings LLC is requesting a six-month extension on their conditional final approval until the DEP has completed their review of the planning module. The Board of Supervisors has authorized Township Manager Bartlett to sign off on the conditional final approval authorized by the township previously, but Farmstead Realty Holdings LLC is waiting on the DEP at this time. **A motion was made by Supervisor Moore and seconded by Supervisor Mellert. There were no comments or questions from the board or audience. Vote: 5-0**

#4---Discussion and possible denial of various Land Development plans currently with expiration dates of May 31, 2023: **BH Paving – PC-2022-019** Per Township Manager Bartlett, the township received the extension for this project this afternoon. This requirement has been met.

Act 537 Plan: Solicitor Backenstoe stated that he received a letter from Robin Zmoda, the manager of Pen Argyl Borough, inviting representatives from Plainfield Township to meet with representatives of Pen Argyl and Pen Argyl Sewer Authority to discuss development between the two communities in regard to the CRG project and the Act 537. Ms. Zmoda informed Solicitor Backenstoe that Pen Argyl Borough had checked and discovered that the Act 537 Plan, which had been prepared for the township, had not been submitted to the DEP. Solicitor Backenstoe stated that the plan had been reviewed by the township, but for some reason, had not been submitted to or fully recorded with the DEP. Entech had prepared the plan and stated that it had been properly advertised and there was a hearing in September of 2022. Entech needed a letter from Plainfield Township stating that there were no public comments. The plan was properly submitted to LVPC. It was properly reviewed and approved by the Plainfield Township Planning Commission. Per Township Manager Bartlett, a resolution letter was prepared and provided to Entech previously as he was told by a former staff member. Interim Township Manager Bartlett stated he would like to see that this resolution is compiled and

presented at the next meeting. Solicitor Backenstoe asked the Board if they would like him to schedule a meeting with the Pen Argyl Borough and Municipal Authority to discuss CRG and would anyone like to accompany him for said meeting. It was suggested that the Township Manager accompany Solicitor Backenstoe. Supervisor Moore stated he would like to attend as well. The Board was in favor of this, and Solicitor Backenstoe will reach out to Pen Argyl to schedule said meeting.

***Resumed with Previous Business on the agenda and Engineer Ott was dismissed. ***

SBRPC Lease: SBRPC Representatives are Jane Mellert Delegate and Ken Fairchild Alternate. Mr. Bartlett recapped information from the most recent SBRPC Meeting. He stated that Wind Gap brought back the following proposal: \$ 7.00 per sq ft. Wind Gap also proposed that their portion of the rent money be put into an escrow account to hold until the lease is finalized. Mr. Bartlett stated that regarding the utilities, Wind Gap currently splits paying for the cost of utilities with Pen Argyl Borough at 70% paid by Wind Gap and 30% paid by Pen Argyl. Wind Gap has proposed that they will pay 70% of the utility rate they pay at their Municipal Building, not 70% of what Plainfield Township pays here at our building. Mr. Bartlett gave the floor to the two Board members that were also at the SBRPC Meeting. Supervisor Fairchild stated that Wind Gap would also like to be reimbursed for what they feel they have overpaid between the difference of paying for this year at the rate from 2022 v.s. the difference to the new rate for 2023 once a lease is established. Supervisor Mellert stated that this was not a productive meeting where the lease discussion was concerned. Pen Argyl was under the impression that they agreed to \$13.00 per sq. ft at the last SBRPC Meeting. Regarding the utilities, Pen Argyl is at a lower electric rate than Plainfield Township. Pen Argyl would like the township to investigate getting our electricity rate lower. It was agreed upon by the board at a previous meeting that Township Manager Bartlett could research the different rates with a variety of electric suppliers. Supervisor Mellert stated that she spoke with Robin Zmoda and Robin understands that Plainfield Twsp may not be able to lock in at the same rates that Pen Argyl and Wind Gap have because they locked into their agreements with their electric providers a few years back. Those rates back then were much less than what we have available to us now. Wind Gap plans to go back to their council at their next meeting. This meeting will be held before the next SBRPC meeting. Supervisor Mellert stated that Wind Gap and Pen Argyl feel a cheaper electric rate can be obtained if Plainfield Township shops around. Supervisor Moore commented that the minutes of the SBRPC Meeting are not accurate and cited instances when this occurred. Supervisor Levits asked if it is required that all three parties need to agree unanimously to finalize a lease. Solicitor Backenstoe stated he would investigate this. Supervisor Levits asked what the cost of Wind Gap's electricity p/ kwh is and how long the contract with their electric supplier lasts. Supervisor Mellert stated that there is another SBRPC Meeting next week, and they will report back to our Board afterward.

Plan Slate Belt: Supervisor Mellert, Moore, and Terry Kleintop are all on the steering committee for Plan Slate Belt. Supervisor Moore recapped the last meeting of Plan Slate Belt. There was

discussion among board members and Solicitor Backenstoe regarding the Comprehensive Land Use plan. Solicitor Backenstoe will review the Intermunicipal Zoning Agreement. Millie Beahn, audience member, asked if the public will have the opportunity to weigh in on whether or not the township joins an Intermunicipal Zoning Agreement.

Returned to unaddressed items under New Business

#1---Discussion and possible action regarding the Environmental Advisory Council: Supervisor Moore recommended this topic be scheduled a workshop meeting to further discuss it. **A motion was made by Supervisor Moore to table this discussion for the next workshop meeting and was seconded by Supervisor Mellert. No comments or questions from the board or audience. Vote: 5-0**

#3---Discussion and possible Board action to appoint Township Manager: A motion was made by Supervisor Moore to appoint Mr. Jeff Bartlett as Plainfield Township Manager in accordance with the employment agreement that was finalized earlier that day. He has been the Interim Manager for the past six months. Mr. Moore stated that candidates in addition to Mr. Bartlett have been interviewed. Per Solicitor Backenstoe, appointment of this position must disclose the position's annual salary. Mr. Bartlett stated that the agreed upon salary for him was \$92,268.00 which is the amount that was allotted in the 2023 budget for the township manager position. The motion was seconded by Supervisor Fairchild. There were no comments or questions from the Board. **Comments from the Audience:** Kelly Grim provided the Board with information she obtained from the township website that detailed the responsibilities of the township manager. She highlighted that some of these responsibilities include being able to produce the items she recently requested in her recent Right to Know request. She stated she received notification from Mr. Bartlett that her Right to Know request would need 30 days to be completed and asked why it takes 30 days to produce a bank account balance sheet. She stated that she feels Mr. Bartlett should be given 90 more days of probationary period or to continue as the Interim Manager before the Board decides to hire him permanently. Audience members asked how long the position of Township Manager was advertised. Supervisor Moore and Chairman Borger stated that it was advertised for several weeks. An audience member asked if a performance evaluation has been done in the 90 days Mr. Bartlett has been the Interim Township Manager. Several Board members replied, yes. Board members and Solicitor Backenstoe discussed whether the second-class township code requires a motion or declaration to formally hire the township manager. Solicitor Backenstoe found stated in the second-class township code that the township manager's powers and duties shall be determined by township ordinance and that the compensation of the township manager shall be set by resolution. **A motion was made by Supervisor Moore and seconded by Supervisor Fairchild to appoint Mr. Jeff Bartlett as the Plainfield Township Manager and to adopt a Resolution setting the Manager's salary at the next scheduled Supervisor's meeting.** There were no comments or questions from the Board. **Comments from the Audience:** There was conversation among several audience members; Kelli Grim, Jeff and Brenda Stoudt, Nolan and Brianne Kemmerer, and Alan Gumeny. Millie Beahn asked how the Board can appoint or hire a manager who has not produced a financial

statement or meeting minutes in months. She suggested that Mr. Bartlett's probationary period should be extended by an additional 90 days. **Vote: 4-1**

Chairman Borger stated that the Fire Company, Ambulance, and SBRPD monthly reports will be posted for public review. A motion was made by Supervisor Moore and seconded by Chairman Borger to accept all three reports as submitted. No comments or questions from the Board or audience. Vote: 5-0

CITIZEN'S AGENDA: Alan Gumeny, audience member, stated Howard Farm being reviewed to potentially be used to dump sludge. Mr. Gumeny shared notes he took upon attending a Nazareth Board Meeting and information he obtained after a tour of the Nazareth Municipal Authority. He appealed to the board to do what is within their power to slow down or stop biosolids from being spread on the Hower Farm property. Audience members expressed their concerns about biosolids being spread on the Hower farmland. Brianne Kemmerer, audience member, stated how she finds it embarrassing how the Board and Township Manager act. How they speak to one another, and the public is embarrassing and unprofessional. Mr. Fodi, in the audience, agreed with Mrs. Kemmerer stating that it doesn't feel like a community when its leaders are bickering with one another. Karen Johnson presented the Board with photos of Church Rd. and her property flooded and explained what she witnesses when flooding occurs when it rains. She made the board aware of the activity that has occurred at her neighbor's property and how she feels her neighbor's construction, landscaping, etc has significantly increased the water that she now has coming on her property. Board members discussed reaching out to Representative Ann Flood to find out who is responsible for the bridge that is near Ms. Johnson's property on Church Rd so the flooding of the bridge, and road and the hazards it is posing can be addressed. Solicitor Backenstoe recommended that the property file be pulled and investigate the history of Ms. Johnson's neighbor who was determined to be Ron DeCesare. Chairman Borger assured Karen that he would call her with a follow up to any information the township manager and solicitor discover.

BOARD OF SUPERVISORS REPORTS:

Ken Fairchild---Nothing

Don Moore---Stated he didn't feel he spoke disrespectfully at the SBRPC Meeting.

Jane Mellert---SBRPD debut of K-9 Zorro will be held on May 19, 2023. Jane has additional information if anyone wishes to attend.

Paul Levits---Nothing

Glenn Borger---Nothing

SOLICITOR'S REPORT: In 1997 the Plainfield Township Recreation Trail Easement Agreement between Waste Management and Plainfield Township stated that the Northern Trail would be taken over by Waste Management and they would make improvements to the trail. Waste Management didn't do that great of a job as the trail was too steep, not easily accessible, and isn't really used by the public. Northampton County is interested in taking the trail over. They would like to make a new trail, going from the South all the way North so they can have a connection. They'd also like to make a trail that travels East & West. Waste Management would like the County to void the old 1997 easement agreement with Plainfield Township, allow Waste

Management to utilize the small part of land they need for access, and in return, Waste Management will deed the remainder of the land to Northampton County. Techo Block would also give the county the land necessary to connect the trail along 512. Solicitor Backenstoe asked if the board could refrain from any decision making on this matter until he is able to present them with a memo from the county listing their intentions. He is awaiting that memo at this time.

Travel Inn: Solicitor Backenstoe requested the Board's permission to meet with Tina Smith a grant representative from Northampton County to see if there is anything the county can do to assist Plainfield Twsp in dealing with this property. There are a few options the township has in dealing with this matter, however, if it comes down to the township having to own the property before it can take any action, there is the matter of the numerous liens that are on the property. Solicitor Backenstoe listed the various liens that are placed on the property.

ADJOURNMENT: A motion was made by Supervisor Moore and seconded by Supervisor Fairchild. The meeting adjourned at 11:40 PM.

Respectfully submitted,

Kelly Roth Unangst
Township Secretary