

**PLAINFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
MAY 11, 2022**

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, May 11, 2022 at the Plainfield Township Municipal Building, which is located at 6292 Sullivan Trail, Nazareth, PA 18064. The meeting public notice was duly advertised in the January 4, 2022 issue of the *Express-Times* newspaper.

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, Vice-Chairman Stephen Hurni, Supervisor Jane Mellert, and Supervisor Donald Moore. Supervisor Randy Heard was excused from attending the meeting.

Also present were Township Manager Thomas Petrucci and Solicitor David Backenstoe. Township Engineer Jeff Ott was excused from attending the meeting.

**I. TOWNSHIP SECRETARY– THOMAS PETRUCCI:**

1. Announcement – Executive Session for Real Estate Held May 11, 2022:

Township Manager Petrucci announced that the Board of Supervisors held an executive session on Wednesday, May 11, 2022 from 6:00 PM to 6:08 PM to discuss the possible acquisition of real estate.

2. Announcement – Executive Session for Personnel Held May 11, 2022:

Township Manager Petrucci announced that the Board of Supervisors held an executive session on Wednesday, May 11, 2022 from 6:08 PM to 7:00 PM to discuss personnel matters.

*No official action was required following both executive sessions.*

3. Consideration of Approval – April 13, 2022 Regular Meeting Minutes (DRAFT):

**ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to table the approval of the April 13, 2022 regular meeting minutes.**

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

**Motion approved. Vote 4-0.**

4. Presentation – I-80 Rock Mitigation – Tara Mezzanotte:

Tara Mezzanotte, who represents the I-80 Rock Mitigation Committee, addressed the Board of Supervisors. The I-80 rock mitigation project is actually a five (5) year project, which includes narrowing the travel lanes of the S-curve, moving the shoulder, and moving the roadway closer to the Delaware River, as per the New Jersey Department of Transportation (NJ DOT). The I-80 Rock Mitigation Committee was able to show that two (2) tractor trailers moving side-by-side on the roadway will not be able to fit safely. NJ DOT has put out a regional diversion route for I-80. The regional diversion route sends traffic from I-80 to I-78 (by way of State Route 33 and 287 in NJ).

Twenty-nine (29) municipalities have gone on record against the project.

The I-80 Rock Mitigation Committee has been able to identify that there are no existing studies that specifically identify safety concerns.

Tara Mezzanotte announced that there is now a \$57,000,000 emergency project in the works to repair the retaining wall along I-80 through the S-Curve, which is fourteen hundred feet (1,400') of I-80 along the river. The I-80 Rock Mitigation Committee was able to expose a massive erosion hole under I-80 as well as cracks in the foundation of I-80. The emergency project could expedite the above-described traffic impacts.

**No specific action was taken by the Board of Supervisors concerning this matter.**

5. Consideration of Approval – Use of Municipal Park for Blue Mountain Community Library Summer Program – July 13 and 27, 2022 – from 10:30 AM to 11: 30 AM (Ages Preschool to Third Grade):

In response to a question asked by Township Manager Petrucci, Solicitor Backenstoe advised the Board of Supervisors that a License Agreement is not needed for the Blue Mountain Community Library to use the Municipal Park due to the limited scope of the proposed program.

**ACTION: Motion was made by Stephen Hurni and seconded by Jane Mellert to approve the Blue Mountain Community Library using the Municipal Park area for their summer program to occur from July 13-27, 2022 from 10:30-11:30 AM.**

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

**Motion approved. Vote 4-0.**

6. Notification of 2022 Northampton County Festival Award Nominations (Due by September 16, 2022):

Northampton County will hold its 3<sup>rd</sup> Annual County Festival on October 8<sup>th</sup>; there will be an awards ceremony as part of the festivities. The Board may nominate an outstanding Northampton County resident under one (1) of the following categories: Veteran, Emergency Personnel, Volunteer, Youth or Business. The Board may also nominate an Outstanding Municipal Employee.

Nominations are due to the County by 5:00 PM on September 16, 2022; winners will be selected by an awards committee.

Noting that the nomination is not due until September, the Board of Supervisors did not take any official action concerning this matter. This matter will be placed on the July regular meeting agenda.

**II. TREASURER – THOMAS PETRUCCI/ASSISTANT TREASURER – SELMA RITTER:**

Paul Azzaretto, Morgan Stanley, Municipal Trust Fund Update:

It is anticipated that the Federal Reserve will raise interest rates by the end of the year. The Township is heavily invested in bonds. The good news is that any new money that comes into the Fund will be invested at a higher yield on the bond returns. The bad news is that the Township already owns a number of bonds. The bonds already owned by the Township have dropped in value, thereby resulting in a negative return.

A few months from now, the Township will have a clearer picture of where the markets are headed. At that time, it is hoped that the issues causing inflation will be mitigated. Unfortunately, inflation is here to stay in the bond market.

1. Consideration of Approval – April, 2022 General Fund Disbursements (\$279,275.32):

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the April, 2022 General Fund Disbursements in the amount of \$279,275.32.**

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

**Motion approved. Vote 4-0.**

2. Consideration of Approval – April, 2022 Highway Aid Fund Disbursements (\$0.00):

No disbursements to approve.

3. Consideration of Approval – April, 2022 Host Retro Agreement Fund Disbursements (\$0.00):

No disbursements to approve.

4. Consideration of Approval – April, 2022 Capital Reserve Fund Disbursements (\$1,353.01):

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the April, 2022 Capital Reserve Fund Disbursements in the amount of \$1,353.01.**

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

**Motion approved. Vote 4-0.**

5. Consideration of Approval – April, 2022 Recreation Fund Disbursements (\$0.00):

No disbursements to approve.

6. Consideration of Approval – April, 2022 Environmental Fund Disbursements (\$0.00):

No disbursements to approve.

7. Consideration of Approval – April, 2022 Open Space Fund Disbursements (\$0.00):

No disbursements to approve.

8. Consideration of Approval – April, 2022 Refuse Fund Disbursements (\$100.00):

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the April, 2022 Refuse Fund Disbursements in the amount of \$100.00.**

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

**Motion approved. Vote 4-0.**

9. Consideration of Approval – April, 2022 Treasurer’s Report:

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the April, 2022 Treasurer’s Report.**

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

**Motion approved. Vote 4-0.**

10. Consideration of Approval – Girard Pension Services 1<sup>st</sup> Quarter of 2022 Non-Uniform Pension (Defined Benefit and Defined Contribution) Pension Reports:

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the Girard Pension Services 1st Quarter of 2022 Non-Uniform Pension (Defined Benefit and Defined Contribution) Pension Reports**

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

**Motion approved. Vote 4-0.**

11. Consideration of Approval – Real Estate Tax Refunds:

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve the following Reals Estate Tax Refunds:**

- **\$548.11 for 2067 Delabole Road (Duplicate Payment)**
- **\$8.92 for 135 Buss Street (Assessment Change)**

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

Supervisor Mellert expressed the concern that the duplicate payment for the 2067 Delabole Road is not clearly shown based on the paperwork provided by the Tax Collector.

**Motion approved. Vote 4-0.**

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

1. Consideration of Approval of Letter of Credit Reduction Request #5: ASGCO Manufacturing Land Development:

**ACTION: Motion was made by Donald Moore and seconded by Stephen Hurni to conditionally approve a reduction to the letter of credit security release for the ASGCO Manufacturing Land Development in the amount of \$205,825.81 from the amount currently held of \$508,049.73, thereby resulting in a new balance of \$302,223.92 once the condition of approval is effectuated.**

**Condition of Approval: The reduction in the letter of credit amount is conditioned upon Plainfield Township reviewing the final as-built plans for the site and determining them to be acceptable, in accordance with the May 11, 2022 letter of Township Engineer Ott. The determination of whether or not the as-built plans are acceptable to Plainfield Township will be made by the Township Engineer in writing upon their final review.**

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

Supervisor Moore asked Township Engineer Ott how the site is progressing during the construction phase. Township Engineer Ott responded that the as-built plans will provide the necessary calculations concerning the detention basin to ensure that the basin is operating at a satisfactory condition.

Emergency Management Coordinator A.J. Olszewski reported that he has not yet received the Emergency Operations Plan for ASGCO. Township Manager Petrucci stated that the applicant has to provide this information prior to issuance of a final Certificate of Occupancy.

**Motion approved. Vote 4-0.**

2. Consideration of Approval of Security (Cash) Reduction Request #1: Taco Bell (Wind Gap Investors, LLC) Land Development:

**ACTION: Motion was made by Stephen Hurni and seconded by Donald Moore to approve a reduction to the current amount held in cash escrow as security for the Wind Gap Taco Bell Land Development. The amount was reduced in the amount of \$431,503.86 to bring the balance down from the \$507,651.60 amount currently held to \$76,147.74.**

**The motion included placing the Wind Gap Taco Bell Land Development into the required eighteen (18) month maintenance period, pursuant to the terms of both the Subdivision Improvements Agreement dated July 16, 2020 and Subdivision Maintenance Agreement dated July 16, 2020 entered into between Plainfield Township and the Developer, which is Wind Gap Investors, LLC.**

**The required eighteen (18) month maintenance will commence on May 12, 2022 and will conclude on November 12, 2023.**

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

**Motion approved. Vote 4-0.**

Engler Road – Status of Emergency Permit:

Supervisor Moore inquired with Township Engineer Ott if the emergency permit for the culvert located at Engler Road is in progress. Township Engineer Ott identified that this work is currently in progress. A row of sheet pilings is under consideration in order to

both support the roadway and protect the roadway from further erosion impacts. This would be both a short-term and long-term solution.

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

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

As part of the Plan Slate Belt development process, the Lehigh Valley Planning Commission (LVPC) has generated Slate Belt Centers and Corridors and Future Land Use Plan draft maps. The LVPC is seeking comments from municipal officials on these draft maps no later than May 31, 2022.

Following the discussion, the Board of Supervisors decided to direct Supervisor Moore, Supervisor Hurni, Planning Commission member Terry Kleintop, Planning Commission member Paul Levits, and Township Manager Petrucci to convene a meeting to discuss this matter and provide recommendations/comments to the Board of Supervisors. The Board of Supervisors will consider the approval of the final written comments to send to the LVPC during the Thursday, May 26, 2022 scheduled second regular meeting.

**ACTION: Motion was made by Donald Moore and seconded by Stephen Hurni to direct Supervisor Moore, Supervisor Hurni, Planning Commission member Terry Kleintop, Planning Commission member Paul Levits, and Township Manager Petrucci to convene a meeting to discuss and provide recommendations/comments to the Board of Supervisors concerning the Slate Belt Centers and Corridors and Future Land Use Plan draft maps. The Board of Supervisors will consider the approval of the final written comments to send to the LVPC during the Thursday, May 26, 2022 scheduled second regular meeting.**

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

Resident, Kelli Grim, inquired as to when residents will be able to comment on the maps and the Plan Slate Belt project as a whole. Township Manager Petrucci responded that the maps are posted on the Plan Slate Belt website. Comments can be submitted via the Plan Slate Belt website or to the Township directly during the May 26, 2022 second regular meeting.

The adoption of the final Plan Slate Belt multi-municipal comprehensive plan will require public hearings to be held prior to adoption, in accordance with the requirements of the Municipalities Planning Code.

Plainfield Township has the Plan Slate Belt project listed as a monthly agenda item so that the governing body remains informed on a regular basis on the status of the plan.

**Motion approved. Vote 4-0.**

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

It was announced that the Wednesday, June 8, 2022 Board of Supervisors regular meeting will include the required annual MS4/Stormwater Management Program Annual Meeting. The Annual Meeting will need to be publicly advertised.

**ACTION: Motion was made by Jane Mellert and seconded by Donald Moore to advertise the annual MS4/Stormwater Management Program Annual Meeting public notice for the June 8, 2022 (7:00 PM) Board of Supervisors meeting.**

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

**Motion approved. Vote 4-0.**

3. Consideration of Contract Award: Plainfield Township and Slate Belt Regional Police Department Secure Two-Bay Garage Pole Building – Design/Build Project:

The bid tabulation is provided for reference as follows:

Plainfield Township and Slate Belt Regional Police Department Secure Two-Bay Garage Pole Building – Design/Build Project								
Bids Opened via PennBid on May 6, 2022 at 12:00 PM								
Extended Price Analysis								
Reference Number	Description	Type	UOM	Quantity	Extended Estimate	Dutchman Contracting LLC	Kobalt Construction	Average
Bid Price Ratio						100%	73.46%	
Total Extended						<b>\$94,400.00</b>	<b>\$128,500.00</b>	
Pricing Group						\$94,400.00	\$128,500.00	
1	Mobilization/Demobilization	Base	Lump Sum	1		\$6,564.00	\$12,500.00	\$9,532.00
2	24'W x 32'L x 10'4"H Pole Building (as further described in the Specifications)	Base	Lump Sum	1		\$61,473.00	\$51,500.00	\$56,486.50
3	Electrical System for Pole Building: Full commercial (including meter base with Concrete foundation pad for Pole Building and corresponding site	Base	Lump Sum	1		\$17,024.00	\$48,500.00	\$32,762.00
4		Base	Lump Sum	1		\$9,339.00	\$16,000.00	\$12,669.50



**ACTION:** Motion was made by Stephen Hurni and seconded by Donald Moore to reject the bids for the Plainfield Township and Slate Belt Regional Police Department Secure Two-Bay Garage Pole Building – Design/Build Project due to the fact that the two (2) bids received exceeded both the Plainfield Township and Northampton County Grow Norco Grant budgets.

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

**Motion approved. Vote 4-0.**

4. Consideration of Alternative to Contract Award: Plainfield Township and Slate Belt Regional Police Department Secure Two-Bay Garage Pole Building – COSTARS Procurement:

**ACTION:** Motion was made by Stephen Hurni and seconded by Donald Moore to authorize Township Manager Petrucci to seek and secure a COSTARS contract with Pioneer Pole Buildings to complete the Plainfield Township and Slate Belt Regional Police Department Secure Two-Bay Garage Pole Building. The estimated cost is \$80,369.00.

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

It was identified that the concrete pad is included as part of the COSTARS price quotation.

**Motion approved. Vote 4-0.**

5. Consideration of Appointment: Zoning Hearing Board Position (1) (Term Expiring 1/1/2027);
6. Consideration of Advertisement: Zoning Hearing Board Alternate Members (2) (Annual Appointments):

**ACTION:** Motion was made by Stephen Hurni and seconded by Glenn Borger to re-advertise the availability of both one (1) Zoning Hearing Board regular position (term expiring January 1, 2027) and two (2) Zoning Hearing Board alternate positions (expiring January 1, 2023).

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

Resident, Wanda Gruber, who is a member of the Zoning Hearing Board, provided the reason why she is not able to attend the May 25<sup>th</sup> scheduled Zoning Hearing Board meeting- citing a personal conflict.

Resident, Nolan Kemmerer, asked if the Board is appointing the two (2) candidates who had applied for the position. Township Manager Petrucci replied that the Board of Supervisors did not take such official action.

**Motion approved. Vote 4-0.**

7. Consideration of Next Step(s): S.R. 33 Winter Storm Maintenance Meeting – April 20, 2022:

Township Manager Petrucci provided a summary of this agenda item to the Board of Supervisors in the form of a summary memorandum as follows:

*On Wednesday, April 20, 2022, a meeting occurred at the Plainfield Township Municipal Building with the following attendees:*

1. Tom Petrucci, Township Manager, Plainfield Township
2. Glenn Borger, Supervisor, Plainfield Township
3. Donald Moore, Supervisor, Plainfield Township
4. Alex Cortezzo, Chief, Plainfield Township Volunteer Fire Company
5. Dave Hess, Emergency Management Coordinator/Council Member, Wind Gap Borough
6. Louise Firestone, Borough Manager, Wind Gap Borough
7. Robin Zmoda, Borough Manager, Pen Argyl Borough
8. Belinda Roberts, Township Manager, Bushkill Township
9. Ann Flood, Representative, 138<sup>th</sup> Legislative District
10. Brian Fenstermaker, District Director, Senator Mario Scavello, 40<sup>th</sup> Senate District
11. Kurt J. Derr, Office of Senator Lisa Boscola, 18<sup>th</sup> Senate District
12. Todd Weaver, Director, Northampton County Emergency Management
13. Mike Rampulla, EM Operations and Training Manager, Northampton County Emergency Management
14. Jack W. Hubbard, Assistant District Executive – Maintenance, PennDOT District 5-0
15. Rodney Vanscavish, Sr. Maintenance Manager, PennDOT District 5-0
16. Shawn Campanaro, Maintenance Manager, PennDOT District 5-0
17. Steve Ehlman, Assistant Maintenance Manager, PennDOT District 5-0

*The Board had previously authorized Township Manager Petrucci to coordinate a meeting concerning the above-referenced subject matter as a result of correspondence received from Alex Cortezzo, who is the Chief of the Plainfield Township Volunteer Fire Company, on March 12, 2022. Chief Cortezzo's letter reported ongoing issues with the negative impacts that are experienced by first responders in both Plainfield Township and Wind Gap Borough as a result of repeated closures of S.R. 33 in the area of the Blue Mountain (from approximately northbound mile marker 16.8 to 18.0) during winter storms.*

## **Key Takeaways**

*The key takeaways of the meeting held on Wednesday, April 20, 2022 are provided as follows:*

- *During severe inclement weather, PennDOT, Pennsylvania State Police, and PEMA have the authority to implement Commercial Motor Vehicle (CMV) restrictions. The CMV restrictions are based on a tiered system (Tiers 1-5). For more information, please reference the below link:*

<https://www.penndot.pa.gov/TravelInPA/Winter/Pages/Vehicle-Restrictions.aspx>

- *During the March 12, 2022 winter storm that prompted Chief Cortezzo's concerns, a Tier 4 restriction was in effect. The Tier 4 restriction is essentially a restriction of all CMV's. The only higher restriction would be Tier 5, and that restricts passenger vehicles in addition to CMV's. Despite the Tier 4 restriction that was in place on March 12<sup>th</sup>, the traffic backed up along S.R. 33, and the highway was shut down. Tiered CMV restrictions are communicated to the general public by use of the PA511 system. Additionally, the restrictions are reported to navigation system apps such as Waze.*
- *During the April 20, 2022 meeting, it was stated by PennDOT representatives that the source of the main issue on S.R. 33 during winter storms is not the lack of regular maintenance, but is in fact related to the lack of enforcement of the CMV tiered restrictions by the Pennsylvania State Police. PennDOT of course does not have the authority to enforce the CMV restrictions when they are in effect. S.R. 33 receives the highest level of service for maintenance, and it was stated that there is a maintenance truck attending to S.R. 33 on a rotation of at least every one half-hour. The maintenance routes of Northampton County and Monroe County forces overlap each other along S.R. 33.*
- *For the March 12, 2022 storm, it was reported that S.R. 33 did not initially receive a Tier 4 designation. PennDOT has worked to ensure that S.R. 33 is listed within the tiered designations when roadways such as S.R. 22, I-78, and I-80 receive the tiered designations, but it is not always a perfunctory action. It was noted that the CMV restriction process requires coordination with adjoining states (such as New Jersey), and it is not a decision that Pennsylvania officials can make on an autonomous basis without considering the impacts to its neighbors.*
- *The penalty for violations of the tiered CMV restrictions are set forth in Section 6108(a) of Title 75 (Pennsylvania Motor Vehicle Code); the violations are prescribed as summary offenses with a \$300 fine (exclusive of the customary ancillary costs/fees). The sentiment was expressed that operators of CMV's may knowingly be circumventing the restrictions considering that the cost of the fines may be well under the potential loss of profits. The legislators (and representative of legislators) in attendance indicated that they would explore whether it was legislatively feasible and/or possible to increase the amount of the fines. It was noted that the Pennsylvania State Police are understaffed, and that they may not have sufficient staffing levels to regularly enforce the tiered CMV restrictions.*

- *Following the meeting on April 20, 2022, the Township has since learned that local police departments can enforce the tiered CMV restrictions. Whether or not the Slate Belt Regional Police Department would be inclined to do so would have to be discussed by the Police Chief and the Slate Belt Regional Police Commission.*
- *Another issue that contributes to the overall situation is the lack of available tow trucks in the immediate vicinity of S.R. 33 that are on the approved tow list of the Pennsylvania State Police. Having tow trucks readily available to remove stranded CMV's would allow for uninterrupted flow of traffic during winter storm events. The tow list is rotated for fairness. As a matter of practicality, a tow truck may be located in another part of the County when a call is received to clear a vehicle off of S.R. 33.*

**Action Items:**

*The action items requiring follow-up are provided as follows:*

- *The legislators in attendance at the April 20, 2022 meeting will ascertain whether it is practicable and feasible to increase the penalties set forth in Section 6108(a) of Title 75 (Pennsylvania Motor Vehicle Code) that are imposed for violations of the tiered CMV restrictions. This information will be reported back to Plainfield Township.*
- *Township Manager Petrucci will contact Lieutenant Brian Roberts (Commander of the Belfast Barracks for the Pennsylvania State Police) to determine whether the tow list can be expanded during the time periods when tiered CMV restrictions are in effect; separately, Township Manager Petrucci will inquire whether or not there are any opportunities for increased enforcement relating to the tiered CMV restrictions in the area of S.R. 33.*
- *Direction is needed from the Board of Supervisors whether to approach the Chief of Police and the Commission of the Slate Belt Regional Police Department to ascertain if local police officers should attempt to assist the Pennsylvania State Police with enforcing the tiered CMV restrictions.*
- *PennDOT will endeavor to automatically include S.R. 33 in the tiered CMV restrictions whenever S.R. 22, I-78, and I-80 have such restrictions imposed. However, it was stressed that this will be a difficult proposition.*
- *PennDOT will explore whether additional access points on S.R. could be created. One potential location was near 8<sup>th</sup> Street. This was discussed as an option in order to allow tow trucks easier access to remove immobilized vehicles from S.R. 33.*

Following the overview provided to the Board of Supervisors, Township Manager Petrucci noted that PennDOT has indicated that in order to install an emergency gate on S.R. 33 Southbound, the Township would need bring on an Engineering Firm to

prepare and submit a Highway Occupancy Permit (HOP) application. All associated costs (engineering, permitting, construction, etc.) would be covered by the Township. The Township would be the applicant and would need to own and maintain the emergency access and gate. Part of the HOP application needs would be a detailed narrative outlining: 1.) why this emergency access is needed, 2.) what is the value in having this emergency access, 3.) documentation/information validating the need, and 4.) how this improves response times, etc.

Fire Chief Alex Cortezzo identified a triangle piece of land between S.R. 33 and S.R. 115 that could serve as a possible location for an emergency access/gate location. This location will need to be further explored.

The Board of Supervisors resolved to agree that the Township should request a Microsoft Teams virtual meeting with PennDOT (Jack Hubbard, Assistant District Executive of District 5-0) in order to obtain preliminary information concerning the PennDOT-required process to install an emergency access road and lockable gate on a limited access highway. Officials from Plainfield Township (Township Manager Petrucci and Supervisors Moore and Borger), Wind Gap Borough and the Plainfield Township Volunteer Fire Company should be included on the invitation for the Microsoft Teams Virtual Meeting.

The intended purpose of the Teams meeting will be to give Plainfield Township and Wind Gap Borough the necessary insight into the entire process (from start to finish) to accomplish the installation of the emergency access road, including obtaining the Highway Occupancy Permit, anticipated costs, construction requirements, and ongoing operation and maintenance responsibilities.

Township Manager Petrucci will also reach out to Lower Saucon Township officials, as it was identified during the meeting that Lower Saucon Township previously underwent the necessary HOP process for I-78.

The Board did not take any action with respect to the question as to whether or not to approach the Chief of Police and the Commission of the Slate Belt Regional Police Department to ascertain if local police officers should attempt to assist the Pennsylvania State Police with enforcing the tiered CMV restrictions. The lack of necessary personnel of Slate Belt Regional Police and the Pennsylvania State Police were cited as possible mitigating factors.

**No specific action was taken by the Board of Supervisors concerning this matter.**

8. Review/Discussion: New Open Space Legislation – Act 15 of 2022 (Use of Open Space Funds):

Act 15 of 2022 authorizes local governments to use up to twenty-five percent (25%) of revenue (either the amount forecasted to be received on an annual basis during a fiscal year or the total accumulated balance) from the open space tax for maintenance and development of open space regardless of the method of acquisition or purchase. Act 15 takes effect on June 18, 2022. Previously, local governments could only open space tax funds for maintenance and develop only if the tract of land was purchased with open space tax funds. For example, under the purview of Act of 2022, the Township can now utilize the Open Space Tax Fund to improve and maintain Community Park, Municipal Park, and the Recreation Trail.

Township Manager Petrucci indicated that he would prepare the 2023 Budget by attempting to offset the General Fund with the Open Space Fund, in accordance with Act 15 of 2022.

Supervisor Moore stated that Terry Kleintop had recently sent an email postulating that a combination of Open Space Tax Fund and Growing Greener Grant funds could be utilized to enforce and enhance conservation plans for privately owned farms in the Township (and possibly the County).

Solicitor Backenstoe provided the legal opinion that the Open Space Tax Fund could definitely not be utilized for improvements and/or projects on private lands- only on lands that are owned by the Township and for a public purpose. While Act of 2022 expanded the available uses of the Open Space Tax Fund, it would not include any projects or improvements on privately owned lands.

Township Manager Petrucci communicated his concern with adding administrative responsibilities to Township personnel as a result of such a program.

Supervisor Mellert identified that the Township is already conducting eighteen-hundred feet (1,800') of streambank restoration this year as part of the MS4 program. She noted that the stream testing was paused over the last several years so that a focus could be placed on completing beneficial projects that will improve water quality.

Resident, Millie Beahn, reported issues with some of the boards of the Recreation Trail bridges. Township Manager Petrucci will relay this concern to the Road Department Foreman.

**No specific action was taken by the Board of Supervisors concerning this matter.**

9. Consideration of Approval of Resolution No. 2022–15: Emergency Operations Plan Update:

Supervisor Mellert had previously submitted comments concerning the Emergency Operations Plan Update in writing to Emergency Management Coordinator A.J. Olszewski and Township Manager Petrucci on March 18, 2022. These comments were then subsequently addressed by Emergency Management Coordinator A.J. Olszewski on May 10<sup>th</sup> and Township Manager Petrucci on May 11<sup>th</sup>. A summary of the results stemming from both the above-referenced comments/responses and the discussion that took place during the meeting is provided as follows:

- Plainfield Township administrative personnel will assist with updating the Emergency Operations Plan, as needed/required.
- The primary contact on record will be updated for the NHS Pennsylvania 5920 Sullivan Trail facility.
- Certain equipment resources will be revised and/or inserted into the Notification and Resource Manual portion of the Emergency Operations Plan.
- Supervisor Mellert identified the need for a Deputy Emergency Management Coordinator. Emergency Management Coordinator Olszewski stated that the position is not legally required to be filled- citing the fact that the City of Bethlehem does not have a Deputy appointed. Emergency Management Coordinator Olszewski announced that the Wind Gap Borough Emergency Management Coordinator, Dave Hess, has expressed a willingness to serve as the Deputy Emergency Management Coordinator for Plainfield Township. The Deputy Emergency Management Coordinator position requires the same level of basic certification that is required for the primary Emergency Management Coordinator position. The need for the Deputy Emergency Management Coordinator will need to be addressed by the Board of Supervisors in the future.

The Board of Supervisors will consider the adoption of the updated Emergency Operations Plan by resolution during the Thursday, May 26, 2022 Board of Supervisors second regular meeting.

**No specific action was taken by the Board of Supervisors concerning this matter.**

V. **BOARD AND FIRE COMPANY AND AMBULANCE REPORTS:**

1. Planning and Zoning Report- April, 2022
2. Road Department Report- April, 2022

3. Fire Company and Ambulance Report- April, 2022
4. Recreation Board Report- April, 2022 (NONE)

**ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to approve the April, 2022 reports as listed and presented.**

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

Supervisor Mellert questioned why a road inspection report and trail inspection report were not listed on the Road Department Report for April, 2022. Township Manager Petrucci responded that inspections of both the roads and trails are conducted on an ongoing basis.

**Motion approved. Vote 4-0.**

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

1. Slate Belt Regional Police Department Monthly Report- April, 2022:

**ACTION: Motion was made by Glenn Borger and seconded by Stephen Hurni to approve the April, 2022 Slate Belt Regional Police Department Monthly Report as listed and presented.**

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

**Motion approved. Vote 4-0.**

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

1. ***Kelli Grim, Resident:*** Kelli Grim addressed the Board of Supervisors and specifically requested that the Board of Supervisors expand the public properties of Community Park and the Farmer's Grove facility by acquiring the Hower Farm (6249 Hower Road) property. She requested that the Board of Supervisors explore any and all options to acquire the property, up to and including eminent domain. She also reported that it is the intention of the Nazareth Borough Municipal Authority (NBMA) to demolish all of the structures that are located on the Hower Farm (6249 Hower Road) property.



Solicitor Backenstoe stated that municipal authorities are an extension of the Commonwealth of Pennsylvania, and it is his legal understanding that a political subdivision could not usurp the Commonwealth by condemning a property.

Supervisor Mellert then requested that the Board of Supervisors hold an executive session concerning the acquisition of real estate. **Supervisor Mellert made the motion to hold the executive session. It was seconded by Donald Moore. Motion approved. Vote 4-0.**

**Executive Session Announcement:** An executive session was held from 9:21 PM to 9:33 PM to discuss matters pertaining to potential real estate acquisition. No official action was taken following the executive session.

Following the executive session, Township Manager Petrucci was authorized by the Board of Supervisors to address the governing body and residents in attendance. Township Manager Petrucci reported that he was tasked with ascertaining whether or not the NBMA would have an interest in selling the Hower Farm (6249 Hower Road) to Plainfield Township. After a meeting with NBMA officials, he reported that the NBMA is essentially asking for the entire purchase price of the Hower Farm as well as all of the fees and expenses that have been paid to date have been recouped. As a Second Class Township, Plainfield Township is statutorily limited to only be able to purchase real property up to the appraised amount. A private entity or municipal authority is not bound to that rule, and that is how they were able to purchase the Hower Farm (6249 Hower Road).

Resident, Kelli Grim, stated that she will share legal information with Solicitor Backenstoe as to how the Township could utilize the condemnation process to acquire the Hower Farm (6249 Hower Road) property.

#### **VIII. BOARD OF SUPERVISORS REPORTS:**

1. ***Stephen Hurni, Vice-Chairman-*** Stephen Hurni reported that the Slate Belt Council of Governments is looking to purchase sewer camera equipment, and they already faced a price increase as of January 1<sup>st</sup> of this year. The Department of Revenue is not giving the organization a sales tax exemption number, and that is an additional \$3,600.00 loss. If the purchase is not made by the end of the month, there is another \$4,000.00 price increase on the equipment itself.
2. ***Jane Mellert-*** Supervisor Mellert suggested that Plainfield Township officials should meet with Wind Gap Borough officials to discuss the status of the Male Road Bridge, which is currently identified as a structurally deficient bridge by PennDOT. She identified that a meeting was scheduled in the past that did not occur, and the matter has been brought up recently at Plan Slate Belt meetings.

It was noted that Wind Gap Borough owns the bridge, and that it is currently posted for a weight restriction of thirty (30) tons. It may cost in upwards of \$1,000,000,00 to replace the bridge. The bridge is crucial to provide access to the Giant Shopping Center, the 650 Male Road Warehouse, and the planned Green Knight Industrial Park II site.

Supervisor Mellert clarified that the purpose of the meeting would be to review the current status of the bridge and come up with possible solutions to correct the problem of the bridge.

It was suggested that Green Knight Economic Development Corporation should attend the meeting.

Township Manager Petrucci recommended that an attempt should be made to add the replacement of the bridge to the Lehigh Valley Transportation Improvement Plan, which requires a presentation to the Lehigh Valley Transportation Study.

Supervisor Borger suggested that Bushkill Township should be invited to the meeting, because the municipality will feel the impact if the Male Road Bridge is ever shut down.

Resident, Nolan Kemmerer, inquired as to why the bridge was not addressed prior to the approval of the 650 Male Road Warehouse and the planned Green Knight Industrial Park II sites. Township Manager Petrucci stated that there is no statutory legal authority to have allowed Plainfield Township or Wind Gap Borough to mandate the replacement of the Male Road bridge.

Following discussion, the Board of Supervisors were in agreement with scheduling the meeting, and assigned the task of coordinating and attending said meeting to Jane Mellert, Donald Moore and Township Manager Petrucci.

Supervisor Mellert also requested that she review the next newsletter before it is distributed to the community.

3. ***Donald Moore-*** Review of *Kneebone v. Plainfield Zoning Hearing Board and Lutz-Order/Judgment* Issued by Pennsylvania Supreme Court. Supervisor Moore deferred his planned agenda item until a later date due to the late hour of the meeting. Supervisor Moore will consider emailing his report to the Board of Supervisors, as per Supervisor Mellert's request.
4. ***Randy Heard-*** Not in attendance.
5. ***Glenn Borger Chairman-*** No report.

**IX. SOLICITOR'S REPORT- DAVID BACKENSTOE, ESQUIRE:**

Solicitor Backenstoe will research the eminent domain matter further, as directed by the Board of Supervisors.

Other than that item, Solicitor Backenstoe stated that he did not have anything to report in addition to what was already discussed or acted upon by the governing body already during the course of tonight's meeting.

**X. ADJOURNMENT:**

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

The meeting adjourned at 10:11 PM

Respectfully submitted,

Thomas Petrucci  
Township Manager/Secretary  
Plainfield Township  
Board of Supervisors