

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
JULY 14, 2010**

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The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, July 14, 2010 at the Municipal Building, 6292 Sullivan Trail, Nazareth, Pa. 18064

Chairman, Michael Engler called the meeting to order at 7:00pm.

ROLL CALL:

The following Supervisors answered roll call: Chairman, Michael Engler, Glenn Borger, Vice-Chairman, Joe Lerch and William Schmauder. Also present were Solicitor, David Backenstoe, Zoning Officer, Charles Knecht, Treasurer, Virginia Koehler and Executive Secretary, Joyce Lambert.

Randy Heard arrived at 7:07pm.

ADRIENNE BORGER & SCOTT PERIN, GCS:

At this time, Chairman, Michael Engler turned the floor over to Adrienne Borger and Scott Perin from GCS.

Adrienne introduced herself and informed the Board that she had taken Harry Smith's place. Both she and Scott were present at tonight's meeting at the request of Supervisor, Randy Heard, who had asked them to give the Board an update on the projections for next year.

Adrienne reported that they are currently at an average of 850 tons per day and it would likely remain that way for the remainder of 2010. In the first quarter of 2011 the tonnage should be going up, but not to the total 2700 tons to 3000 tons they are allowed per their permit.

Scott Perin indicated that with the economy being the way it is, they have to use the air space at their other landfills. They are trying to fill up the air space at their Tullytown Landfill. The tonnage has also been down because the curbside collection is down because of the economy. There is virtually no construction going on, so there has been a loss in the roll-off business. The refuse coming in from New York and New Jersey has virtually dried up.

During August and September, they will be putting together the projections for the tonnage for next year because they know that Ginny will need that information to work on the 2011 Township Budget.

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Randy Heard asked Scott if they would be interested in looking at the Township's Garbage Contract next year. He indicated that they would consider looking at the contract. He also noted that there was \$1.00 per ton in the Agreement, which was signed with Plainfield Township that was supposed to be used towards garbage pick-up. That agreement was set up with another Board.

EXECUTIVE SECRETARY – JOYCE A. LAMBERT:

APPROVAL OF MINUTES:

Motion was made by Joe Lerch and seconded by Randy Heard to approve the minutes of the June 9, 2010 Board of Supervisors Meeting and the June 17, 2010 Special Board of Supervisors Meeting, as presented. Motion approved. Vote 5-0.

RESOLUTION #2010-17 – A RESOLUTION OPPOSING FORCED LOCAL GOVERNMENT MERGERS AND CONSOLIDATIONS:

Motion was made by Randy Heard and seconded by Glenn Borger to adopt Resolution #2010-17, as presented. Motion approved. Vote 5-0.

REQUEST FOR EXEMPTION OF PAYMENT FOR USE OF FARMER'S GROVE FOR A BENEFIT RIDE:

Motion was made by Randy Heard and seconded by Chairman, Michael Engler to approve the request from Lori Schuttert on behalf of Schoch Harley Davidson, Inc, for exemption of the fees for the use of the Plainfield Farmer's Grove for a benefit ride for the Hahn Family with the condition that no alcoholic beverages are to be served. Motion approved. Vote 5-0.

TREASURER – VIRGINIA KOEHLER:

APPROVAL OF GENERAL FUND DISBURSEMENTS:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the June General Fund Disbursements, in the amount of \$209,696.12, as presented. Motion approved. Vote 5-0.

TREASURER'S REPORT:

Motion was made by Randy Heard and seconded by Glenn Borger to approve the June Treasurer's Report, as presented. Motion approved. Vote 5-0.

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TRANSFER FROM CAPITAL RESERVE TO GENERAL FUND – ROAD DEPARTMENT INVOICES:

Motion was made by Randy Heard and seconded by Glenn Borger to approve the transfer of \$1,816.70 from the Capital Reserve Fund to the General Fund for payment of invoices for Road Department vehicle invoices. Motion approved. Vote 5-0.

PLAINFIELD FIRE COMPANY DONATION REQUEST:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the donation to the Plainfield Fire Company, in the amount of \$100.00. Motion approved. Vote 5-0.

SUBURBAN EMS SUBSCRIPTION REQUEST:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the Suburban EMS Subscription, in the amount of \$100.00. Motion approved. Vote 5-0.

SIGN REQUEST – MAYNARD WERKHEISER/BANGOR ROAD:

Discussion was held on the request the Township had received from Maynard Werkheiser for the installation of 2 T-Intersection signs to be placed on Bangor Road before the Breidinger Road intersection.

Because this is a state highway, Secretary Lambert was authorized to send a letter to PennDOT requesting approval to install the signs.

APPROVAL FOR PAYMENT OF THE BERKHEIMER OUTSOURCING BILL FOR PRINTING AND MAILING OF THE 2010 REFUSE BILLS:

Motion was made by Glenn Borger and seconded by Randy Heard to approve payment, in the amount of \$4,024.98, to Berkheimer Outsourcing for printing and mailing of the 2010/2011 Refuse Bills. Motion approved. Vote 5-0.

LETTER FROM A DJ REQUESTING USE OF THE FARMER'S GROVE EVERY AVAILABLE WEEKEND UNTIL OCTOBER:

The Board discussed the request from a DJ named Frank to use the Farmer's Grove every weekend that it would be available until October. He would be charging for hot dogs and soda.

It was the consensus of the Board that this would constitute a business.

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Motion was made by Randy Heard and seconded by Glenn Borger to deny this request. Motion approved. Vote 5-0.

FYI – FOUR ENVIRONMENTAL CD’S WILL MATURE ON AUGUST 17TH:

Treasurer, Virginia Koehler informed the Board that she has four Environmental CD’s that would be maturing on August 17th. She will have rates for next month’s meeting.

2010 COUNTY CONVENTION:

Treasurer Koehler reported that she had received information on the upcoming County Convention. If anyone is interested in attending, they should let her know.

NEWSLETTER:

Treasurer Koehler reported that the gentleman from Hometown Press who has been working on obtaining ads for the Township Newsletter has informed her that he is done and would need to have the information that the Township wants to put in the Newsletter shortly. All departments will be notified.

ROAD REPORT, POLICE REPORT, PLANNING & ZONING REPORT, FIRE COMPANY REPORT, AMBULANCE REPORT AND EMC REPORT:

- A. J. Olszewski, Plainfield Ambulance Corp and 911 Dispatcher reported that the Plainfield Fire Company had been dispatched to TreeCycle for a fire. The fire was in the conveyor and it spread to pellets beneath the conveyor. At the time of the fire, there was no hazard to any of the residents in the area.

Robert Taggart, TreeCycle, commended the fire company for their quick action in putting out the fire. They had the fire out within 30 minutes.

Motion was made by Randy Heard and seconded by Glenn Borger to approve the June Reports, as listed above. Motion approved. Vote 5-0.

SUBDIVISION ADMINISTRATOR – JOYCE LAMBERT:

Secretary Lambert reported that the Mintbrook farms – Phase I – Preliminary/Final Major Subdivision Plan had been recorded prior to the June 30th deadline.

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PARK VIEW ESTATES – PRELIMINARY/FINAL MAJOR SUBDIVISION PLAN – CONDITIONAL APPROVAL WITHDRAWAL:

Motion was made by Randy Heard and seconded by Glenn Borger to approve the withdrawal of the Park View Estates – Preliminary/Final Major Subdivision Plan Conditional Approval as request by Robert Kroboth. Motion approved. Vote 5-0.

ALBERT & MARION PALMER – PHASE I – FINAL/MINOR SUBDIVISION PLAN RELEASE OF ESCROW FUNDS FOR SETTING OF PINS & MONUMENTS:

Secretary Lambert reported that the Pins & Monuments for the Albert & Marion Palmer – Phase I – Final/Minor Subdivision Plan have been set and Certified in writing by Engineer, Robert Collura’s Office.

Motion was made by Randy Heard and seconded by Joe Lerch to approve release of the escrow funds for the Albert & Marion Palmer – Phase I – Final/Minor Subdivision, as requested. Motion approved. Vote 5-0.

CITIZEN’S AGENDA/NON-AGENDA:

ROBERT GOLD:

Mr. Gold was present at the meeting in regards to a certified letter that he had received from the Wind Gap Municipal Authority advising him that he had to connect to the public sewerage system.

Mr. Gold felt that the Board had made an agreement with him back in 2000, which stated that he did not have to hook into the public system until such time as his system failed and he wanted to know if the Board was going to stand behind this agreement or if he would now have to connect to the system.

Mr. Gold informed the Board that when he bought this property he put in a well and a septic because he could not connect to the public sewer line shown on the original Hillmont Estates Subdivision Plan.

In 2000 he had received a letter from Wind Gap Municipal Authority stating that he had to hook into the system. At that time it would not have been cost feasible for him to do this because of the location of the line and the Township issued a letter to him indicating that as long as he was not having any problems with his system, he would not have to hook in.

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Mr. Gold informed the Board that if he now has to hook into the system, he is willing to do that as long as he can go along with what is on the original Hillmont Estates Subdivision Plan.

Solicitor Backenstoe reported that the Township had recently entered into an agreement with the Wind Gap Municipal Authority. Part of that agreement is that the Township would enforce what is required for a mandatory connection. Once we enter into an agreement with the authority, we must enforce it.

Solicitor Backenstoe informed Mr. Gold that he had seen a copy of the letter that the Township sent in 2000 that said that they wouldn't require him to hook up. Although there is a letter, this is not a written agreement and is not enforceable.

If the Township does not require you to hook up now that we have a new agreement with Wind Gap, their authority can get their lawyer to come to the Township and make you hook up.

Mr. Gold informed the Board that during the first development, the developer wanted to connect the homes to the Wind Gap Sewer System but they wouldn't let him hook up. The developer came to the Township and told them that he had some people who wanted to buy lots. Because they couldn't hook into the public system, the Township required that the developer make the lots 1½ acres and put in septic systems in order to sell the lots.

Mr. Gold indicated that for 20 years, there was no system to hook into. The sewer was run down the street and he would have had to hook into the system in the back of his house. If it now has to be done, he will do it, but he felt that he should be able to do what was agreed to.

Engineer Harwick looked at a copy of the original plan, and there is a note on the plan, which is recorded, that says that he intends to connect to the sewer.

Mr. Gold informed the Board that he would meet with Terry Miklas tomorrow to find out what he has to do.

Solicitor Backenstoe reported that based on what Mr. Gold and Engineer Harwick said tonight and everything that he has seen, he has to hook up to the public sewer system and he must work this out with the sewer authority.

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WARREN & DONNA PETERS – 916 BANGOR ROAD:

Mr. Peters presented a Petition to the Board requesting to have the property located at 912 Bangor Road cleaned up. Last year, this house was hit by a truck and has since been vacant. At that time, the house was condemned but nothing has been done with it.

The house has since been sold and it was Mr. Peters understanding that the house was to be torn down. There are rats there and all of the neighbors are worried about depreciation of their property values and safety.

Zoning Officer, Charles Knecht reported that at the time of the accident, he condemned the house. The owner got a structural engineer and it was shored up so that they could get their possessions out.

Solicitor Backenstoe indicated that Charlie should issue a Cease and Desist Order. He would first have to send the new owner a letter to have the property cleaned up and give them so many days to get the work done.

Motion was made by Randy Heard and seconded by William Schmauder to take enforcement action against the property owner of the home located at 912 Bangor Road. Motion approved. Vote 5-0.

DARRYL BIERLY:

Mr. Bierly was present at the meeting because he and the surrounding residents in his area had safety concerns with the fire at TreeCycle.

Mr. Bierly asked if the Stack Tests had been completed and what the results were. He also indicated that the owners are now selling mulch in addition to the pellets.

Mr. Taggart informed everyone that they are a wood processing plant and mulch is a by-product from his business. The mulch is being hauled out of the property and they are not selling the mulch retail. They are totally recycling the products from their business. They also collect the nails and sell them for recycling.

Zoning Officer, Charles Knecht did not feel that his was an issue.

Terry Kleintop indicated that at the Planning Commission Meeting, Mr. Taggart had said that the sawdust was going to be used to burn in their furnaces to run the machines.

Mr. Taggart informed the Board and Mr. Kleintop that because of complaints from the residents on the odors, they changed their burning system and now don't use the sawdust.

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Mary Taggart indicated that anyone could come down and see what they do and how the pellets and the mulch are made. They sell the mulch wholesale to landscapers and different dealers like Elegant, Hawk Valley and Mesaphora.

One of the residents stated that because they are now selling the mulch, there are now more trucks going in and out everyday.

Mr. Taggart reported that they are allowed 135 truck trips per day and they have maybe 12 truck trips, so they are nowhere near the limit that they could have.

Randy Heard asked if this was two Uses on this site. Zoning Officer, Charles Knecht indicated that the mulch is definitely a by-product so it would not be classified as two Uses.

Darryl Bierly also informed the Board that the residents are worried about their houses burning down.

Tim Frankenfield, who was in the audience and a long time fire company volunteer, asked why they would be worried about that. He indicated that was ridiculous. Tim indicated that people have fires in their houses. Should we tear down all of the houses because someone else's house could burn down if there is a fire? Tim felt that this was just a cheap ploy to throw something else at TreeCycle.

Mr. Taggart reported that they have a fire pond on the property. The fire company came with a new Pumper Truck and between that and the pond it did the trick.

AJ reported that he had visited the property that evening. He was the 911 Dispatcher that handled the call for the fire. There is only dirt from where the fire happened to the tree line and he did not feel that there was any concern for the fire spreading.

Maureen Nicholas read a letter from Jim Love. In the letter Jim indicated that these issues had been going on for at least two years. He felt there were code violations. Nothing has been heard from DEP about the stack tests. There have been numerous issues regarding noise and now they have fire safety issues. Mr. Love felt that it was time for the Township to do its job and issue another Cease and Desist.

Charlie informed the Board that he is still taking readings, which he is documenting, almost every day. He has not had any noise issues.

Both William Schmauder and Chairman, Mike Engler informed the residents that unless there is a violation the Township cannot issue a Cease and Desist.

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STAN ENGLER:

Mr. Engler informed the residents that if the Township were to tell a small business that they couldn't sell a by-product, you are hindering their business. The business that he used to have created waste oil. His permit did not say that he could sell waste oil, but he did. No one should be restricted from selling a by-product of his or her business.

THERESA WENNER:

Mr. & Mrs. Wenner were present at the meeting regarding a sewage problem, which they felt, was coming from the home at 799 Benders Church Road. They had tested the water and found high levels of fecal coliform.

Mrs. Wenner indicated that the Township and Sewage Officer, Chris Noll had been informed about the problems, and although Chris had also had a test done, which came out with high levels of containments, he has tied everyone's hands for 2 months now and nothing is being done to solve the problem.

On June 8th William Schmauder, Joe Lerch and Glenn Borger also went to the property and met with Chris Noll.

Chris indicated that the Boscia property is the house in question. They told him that their septic was broken and they tried to dig it up themselves a little bit. He was told that the people that live in the house are carrying buckets to the stream. Chris also noted that there are underdrains in the area.

Chris told the Board that he is following through and has been in touch with DEP.

Because the Boscia property is a rental, Chris had a hard time finding the owner, but they were finally found via the Internet and he has made contact with them. They are going to allow him to do the dye tests.

Chris indicated that there are farms in the area of this property and that fecal coliform comes from numerous areas including dogs, cats and cows.

Chairman, Michael Engler indicated that he has been past this house numerous times and Mr. Heimer's cows are in the stream and we know what they are doing.

The Bushkill Stream Conservancy had also tested the creek in this area and their results came in at 3,000.

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Terry Kleintop indicated that this is a polluted limit. Anything above 200 is polluted. They did not go out and test this area because of the Wenners. They were only given money to test 6 sites and they were also given general areas, which were to be tested.

When the testing is done, a sample is taken once a week for 5 weeks then it goes into a sleep period for 2 months. Another 5 weeks of samples would then be taken during the month of August. They are only testing the general health of the stream.

Chris reported that he is now at the dye test stage. He will continue to monitor this until, if and when the dye comes out. He will also continue to test all of the other properties. If there is a problem with the septic it will need to be repaired, if possible, or replaced, which may not be possible.

Jane Mellert indicated that last year the EAC had sent a letter to the Board requesting funds of approximately \$2,000 to test sites and their request was turned down. Jane noted that when she was a Supervisor an Environmental Fund had been set up and that is what this fund was set up for.

Mrs. Wenner asked if the Board was aware that there had been past problems with this property. Chris Noll indicated that he had checked the Township files and there was nothing in the file to indicate that there had been previous problems.

Mrs. Wenner also noted that there is a Dry Well that the washer water runs into which is located at the back of this property.

Chairman, Michael Engler indicated that DEP is aware of the situation and Mr. Noll would be following up with his dye test.

Terry Kleintop reported that he had received a letter from DEP stating that it is the responsibility of the Township to post the property and he felt that a copy of the letter should be sent to all of the neighbors.

PAUL AZZERETTO – SMITH BARNEY:

Mr. Azzeretto informed the Board that about two months ago he had requested information from the Township on the pension funds. After reviewing the information, he felt that the fees the Township is being charged are too high. He also had concerns on how and when the funds are being rebalanced.

Mr. Azzeretto told the Board that there were a lot of investment strategies and solutions that the Board could look at.

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Randy Heard informed Mr. Azzeretto that he and several other Supervisors had met with the company that is currently handling the pension funds. They had made about a \$10,000 profit from the funds. He also felt that Smith Barney might make more on CD's but the profit would also be more on them.

Mr. Azzeretto stated that it was not just about the fees. There are some investments that the Board should look into and he would like the opportunity to come back and give a presentation.

Chairman, Michael Engler indicated that he would like Mr. Azzeretto to send the information to the Board.

BOARD OF SUPERVISORS REPORTS:

RANDY HEARD:

Randy Heard asked what was happening about the weeds at the Estates at Colony Park Subdivision. He and other Supervisors have received numerous complaints about the weeds not being cut.

Zoning Officer, Charles Knecht informed the Board that he had talked to someone today about this and it will be taken care of tomorrow. Allied Construction Services will be cutting the whole 80 acres.

ENGINEER'S REPORT – KEVIN HARWICK:

AWARDING OF CONTRACT FOR PRECAST CONCRETE STORM STRUCTURES & PIPE FOR MACK ROAD & BERHEL ROAD:

Motion was made by Randy Heard and seconded by Glenn Borger to approve awarding of the following to be paid from Liquid Fuels Funds, conditioned upon Solicitor Backenstoe's review of the Bid Bonds and the supplier providing a 50% Performance Bond:

HDPE Storm Pipe and Accessories to Central Clay Products, Inc., From Wilkes-Barre, PA in the amount of \$3,627.90

RCP Storm Pipe to Ferguson Waterworks from Whitehall, PA, in the amount of \$1,001.60

Precast Structures (excepting the DW Endwall, which would be eliminated from the bid) to Monarch Precast Concrete Corp. of Allentown, PA, in the amount of \$6,099.00

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Motion approved. Vote 5-0.

WEST PEN ARGYL SANITARY SEWER PROJECT – PHASE II – APPROVAL OF CHANGE ORDER NO. 4:

Motion was made by Michael Engler and seconded by Randy Heard to approve the West Pen Argyl Sanitary Sewer Project – Phase II – Change Order No. 4 for a reduction of \$5,667.45, which brings the total Contract down to \$200,837.15, as presented. Motion approved. Vote 5-0.

WEST PEN ARGYL SEWER PROJECT – CDBG – FINAL RELEASE – PAYMENT APPLICATION #4:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the CDBG Payment Application #4, in the amount of \$7,038.55 for B.P. Patterson, Inc., conditioned upon satisfactory completion of WBE/MBE reporting, Affidavits of Payment and providing a 15% maintenance bond for 18 months. Motion approved. Vote 5-0.

Prior to the vote being taken, Chairman, Michael Engler questioned the letter that the Township had received from a resident in regards to work that still needed to be completed at his property.

Engineer Harwick reported that Mike Kukles had called the contractor and he came back in with screened topsoil and finished spreading this, raked it again, seeded it and put down straw. If there is a problem with the grass growing, it is included in the 18-month maintenance amount.

SOUTH TRAILHEAD PROJECT – CHANGE ORDER #2:

Motion was made by Michael Engler and seconded by Randy heard to approve Change Order #2 for the Plainfield Township Recreation Trail South Trailhead Improvements Project changing the time for completion of the project until September 21, 2010, conditioned upon the contractor having everything seeded by August so that we have time to see if the grass comes up. Motion approved. Vote 5-0.

SOLICITOR'S REPORT – DAVID BACKENSTOE:

RESOLUTION #2010-18 – POLICE COLLECTIVE BARGAINING AGREEMENT AMENDMENT – KILLED IN SERVICE:

Solicitor Backenstoe reported that the state would now be paying the Killed in Service Benefit for the police officers rather than the municipalities. =Because this is in the Collective Bargaining Agreement, we must have the police approval to change this.

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Motion was made by Glenn Borger and seconded by Randy Heard to approve Resolution #2010-18 – amending the Police Collective Bargaining Agreement for Killed in Service. Motion approved. Vote 5-0.

TRIPLE NET INVESTMENTS – JACOBURG ROAD PROJECT:

Solicitor Backenstoe reported that a representative for Triple Net Investments regarding the Jacobsburg Road Project has contacted him. They are getting everything ready for recording and one of the items for the Conditional Approval is an Improvements Agreement.

The Township usually allows the developer one year to complete the improvements and a Letter of Credit is held to secure the improvements. Extensions are given if the improvements are not completed within one year.

Triple Net Investments would like approval from the Township to have 24 months to complete the improvements.

The Board on this request held discussion.

Motion was by Glenn Borger and seconded by Randy Heard to approve 18 months for completion of the improvements. Motion approved. Vote 5-0.

FYI:

Solicitor Backenstoe reported that the governor signed into law yesterday act 46 of 2010, a bill that affects all municipalities, except Philadelphia, regarding any approval that has been granted. Any approval given from January 1, 2009 to June 1, 2010 is automatically extended until July 1, 2013. This would include a Building Permit, or any approval granted under the MPC, Building Codes, etc.

By the end of July, 2010 we must publish in the PA Bulletin that we are going to do this.

Solicitor Backenstoe will work with secretary Lambert and Engineer Harwick to compile the list for publication.

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OTHER:

POLICE CHIEF, DEAN CERARUL:

PART-TIME POLICE OFFICER:

Due to the loss of a part-time police officer and several other officers being out for vacations and manpower shortage due to injuries, Chief Ceraul requested permission from the Board to hire a part-time police officer.

Motion was made by Michael Engler and seconded by Joe Lerch to hiring of a replacement for the part-time police officer that is no longer with the department pending approval by the Police Chief and the Police Liaisons and upon successful completion of all required physicals and tests, with wages to be set pursuant to the current Police Collect Bargaining Agreement. Motion approved. Vote 5-0.

POLICE VEHICLE PURCHASES:

Chief, Dean Ceraul reported that he currently has two police vehicles that need to be replaced. One of the vehicles has 150,000 miles and the other has 162,000 miles. One of these vehicles has a problem and stalls out and he is afraid the police may be on a pursuit and the vehicle may fail.

Chief Ceraul can lease purchase two 2008 vehicles, which have around 50,000 miles, for approximately \$18,000/\$20,000 total cost to be put on the road.

Treasurer, Virginia Koehler reported that Chief Ceraul had talked to her about this and the money could be taken out of Capital Reserve and put into the General Fund Budget.

Motion was made by William Schmauder and seconded by Glenn Borger to approve the lease-purchase of the two police vehicles, as requested. Motion approved. Vote 5-0.

Having nothing further to come before the Board, motion was made by Joe Lerch and seconded by Randy Heard to adjourn the meeting. Motion approved. Vote 5-0.

Meeting adjourned at 10:05pm.

Respectfully submitted,

Joyce A. Lambert, Executive Secretary
Plainfield Township
Board of Supervisors

