

PLAINFIELD TOWNSHIP EAC MEETING MINUTES

The Plainfield Township Environmental Advisory Council meeting was held on Thursday, December 3, 2015 at the Plainfield Township Municipal Building 6292 Sullivan Trail, Nazareth, Pennsylvania

EAC Members in attendance were: EAC Chairman Terry Kleintop, Robert Simpson, Bruce Rabenold and Robin Dingle. Robert Cornman and Supervisor Jane Mellert were excused. Township Manager Thomas Petrucci was also in attendance in order to take minutes in the absence of EAC Secretary Mellert.

Donald Moore arrived at 7:48PM.

EAC Chairman Terry Kleintop called the meeting to order at 7:09 pm.

The Pledge of Allegiance was performed.

MINUTES

Terry Kleintop asked for a motion to approve the November 5, 2015 minutes.

Bob Simpson made a motion to approve the November 5, 2015 minutes. The motion was seconded by Bruce Rabenold and passed by unanimous vote.

NEW BUSINESS

Chairman Kleintop commenced the meeting with a requested revision to the 2016 meeting schedule. Plainfield Township Executive Secretary Joyce Lambert had contacted Mr. Kleintop to provide the Township with the 2016 EAC meeting dates in order to advertise the appropriate public notice. Chairman Kleintop indicated that the current first Thursday of the month meeting dates do not seem to work for the group collectively as a whole. Chairman Kleintop noted that the meetings should remain the first week of the month due to the fact that the regular Board of Supervisors meetings take place the second Wednesday of each month after the EAC meetings. The EAC members in attendance indicated that the first Monday of the month would work best in terms of managing scheduling conflicts. The only identified holiday conflicts during the meeting would be Independence Day (July 4, 2016) and Labor Day (September 5, 2016). Adjustments would be required for both July 4, 2016 and September 5, 2016.

Township Manager Petrucci will contact Jane Mellert, Bob Cornman and Executive Secretary Lambert via email in order to determine if the first Monday of every month presents a scheduling conflict. Don Moore indicated later during the meeting that the first Monday of the month would work well for him. The EAC collectively agreed to advertise for the first Monday of the month and then schedule around the identified conflicts as has been the previous practice.

OLD BUSINESS

PA DEP Growing Greener Plus 2014 Grant Update – Little Bushkill Creek

Chairman Kleintop apprised the EAC members on the status of follow-up regarding the three (3) property owners identified for corrective action utilizing 2014 Growing Greener Grant funds. Henry Achenbach is in verbal communication with Chairman Kleintop; thus, there is a high level

of probability that he will cooperate as one of the property owners. Chairman Kleintop knocked on Stuber's door twice with no response received; there is no listed phone number for the Stuber property. Terry Kleintop will be visiting the Taylor and Stuber properties within the next week following the EAC meeting with the intention of eliciting a firm commitment for the property owners if they are interested.

Robin Dingle indicated that the focus of the grant this year will be on restoration measures and corrective actions, so the process of contacting the property owners is especially crucial. Until the EAC/Township is aware of how many property owners are willing to proceed, other aspects of the project cannot proceed in terms of costing. The Township only has one (1) chance to submit a set of versions to PA DEP by the specified January 27, 2016 deadline.

Chairman Kleintop indicated that the primary reason the above referenced farms were targeted for corrective measures is that they all have livestock. The Achenbach property is already a preserved farm, so a state-approved conservation plan is already a requirement of that program. Chairman Kleintop noted that the properties not currently preserved (Stuber and Taylor) have requirements for manure management through PA DEP, but the requirements are not actively enforced.

Robin Dingle indicated that the restoration measures may include fencing, plantings and alternative water sources (ex. solar pumps). If access problems to other fields are identified, the EAC/Township would evaluate whether cattle crossings would be prudent and/or necessary as well.

Robin Dingle indicated that the secondary plan after Terry Kleintop has reached out to the property owners within the next week would be to have the Township Manager follow up with the property owners. Robin indicated that it is necessary to ensure that the property owners are aware that the initial contact and the program is authorized by the Township. Terry Kleintop indicated that the EAC will know either way by the end of the week whether Taylor and Stuber are interested in proceeding.

Township Manager Petrucci relayed the following proposed schedule to the EAC members:

1. Both the RFP and the necessary grant revisions will be submitted to PA DEP Wednesday, January 27th, 2016. The RFP will also be emailed to the EAC members at this time.
2. The EAC members will review the content of the RFP at their Monday, February 1st, 2016 meeting.
3. Following the recommendations of the EAC, the Board of Supervisors will review the RFP at their February 10th regular meeting and will authorize the advertisement of the RFP on PennBid and the *Express-Times* beginning on Monday, February 15th, 2016.
4. March 7th will be the deadline for the receipt of the RFP proposals. March 7th-22nd is the specified timeframe for the review of the RFP. March 24th is the targeted date to have the RFP narrowed down to three (3) firms for final consideration. Township Manager Petrucci informed the EAC members that the narrow timeframe of the RFP process will require a

degree of latitude given to Robin Dingle, Terry Kleintop and the Township Manager in order to select the final three (3) firms using scored criteria.

5. March 25th- April 8th, 2016 would be the timeframe in which interviews with the final three (3) firms would be conducted.
6. The final contractor should be selected by April 22nd, 2016.
7. May 1st, 2016 is the targeted date for the contract to be in place.

No members of the EAC expressed any concerns with the proposed course of action as presented.

Northampton County Farmland Preservation – County/Municipal Partnership Program

Chairman Kleintop commenced discussion on this topic by reporting that there are six (6) properties slated for preservation within Plainfield Township as memorialized within Northampton County Farmland Preservation Administrator Maria Bentzoni’s letter dated November 4, 2015. Of those six (6) farms, the Greggo’s, Lydia Glennon and Jonathan Lock have signed the required paperwork. Representatives from Monocacy Heights L.P. have dropped off the required paperwork to the Northampton County Farmland Preservation office, but had not signed the paperwork as of the time of the meeting. Terry Kleintop indicated that all of the above-listed property owners could still change their mind but the results look promising at this time. In reference to the Lock farm, Plainfield Township will be responsible for paying for seventy (70) acres and Lower Mount Bethel Township will be responsible for paying for seventeen (17) acres.

Chairman Kleintop further reported that the County matching funds to the Township totaling \$122,500.00 as of January 1st, 2015 has been utilized completely for all of the six (6) referenced farms. While the numbers are not final, because surveys have not been completed, at this time it appears that the County will be asking the Township for three (3) checks totaling \$438,688.00. Terry Kleintop indicated that if the County had received the \$0.89 on the dollar match and the same policies had been followed in 2015 as were followed in the years 2011-2014 (when the Township received whatever the state matching formula said it was to be was what was being returned), the Township would have received \$311,500.00 instead of \$122,500.00, which would have been \$189,000.00 more than what the Township received this year (i.e. the Township is being asked to put forth \$189,000.00 more than what the Township would have been asked to contribute in previous years had the previous policies been followed).

Chairman Kleintop requested that the Township Treasurer, Katelyn Kopach, provide the EAC with information concerning the amount of funds for farmland preservation disbursed to date. Chairman Kleintop reported that the following amounts were pledged thus far:

2011- \$700,000.00

2012- \$390,000.00

2015- \$350,000.00

Total: \$1,440,000.00

Terry Kleintop reported that the way that money should be disbursed is first in first out. The Township Treasurer should have a schedule of what is going out based on the previous allocations-

starting at the \$700,000.00- for any monies the Township has paid out on Farmland Preservation properties. The County is specifically requesting that the Township track these amounts in this manner going forward. Terry indicated that the Hahn (\$26,602.00) and Ponist (\$57,850.00) farms should be the first distributions. The next distributions in 2014 would include a group of farms that would have some funds distributed and some that have not been paid out as of this time for the following farms: Achenbach, Wilson, Kessler, Schiavone and Reinheimer.

The Township needs to determine whether the remaining Township matching funds in the amount of \$839,700.70 as tracked by the County reconciles with what the Township records show going forward. Township Manager Petrucci and Treasurer Katelyn Kopach will research this matter.

Don Moore reported that he had attended the Northampton County Budget meeting on December 2, 2015, which Terry Kleintop attended, as well as the County Council meeting scheduled for December 3, 2015. As per Mr. Moore, what appears to have taken place is that the carryover funds for each year for County funds, carryover funds matched to the communities but never spent (about \$1.1 million dollars) which was expended this year. Don Moore indicated that the 2012, 2013 and 2014 budget carryover figure is about \$1.4 million dollars. These figures are included in the 2016 County Budget number of \$3.8 million dollars. The \$1.4 million dollars was money funds that was previously allocated. The issue is that once the money has been allocated and the fiscal year closed out, the money cannot be utilized by the Farmland Preservation Administrator. Don Moore reported various numerations that he had calculated in terms of reduced funds for 2015 versus 2016 as follows:

2016- Total put forward to the state for matching- 88% reduction

2016- Total amount estimated to be received from the state was reduced by 56%

2016- Funds available from the partnership program reduced by 70%

2016- State municipal matching funds from previous years- 100% reduction

2016- Total funds available to Farmland Preservation at County- 77% reduction

2016- Total funds available to Farmland Preservation at County including \$1.4 million County rollover from previous years- 47% reduction

Mr. Moore indicated that Councilman Scott Parsons was sympathetic to the chilling effect that proceeding with the budget as outlined this year- when the ability to match is no longer offered when coupled with the prevailing sentiment of the Township Board of Supervisors towards the program- may effectively end the program.

Terry Kleintop indicated that while the Township currently has a significant war chest built up consisting of EIT funds to be used towards Open Space projects, if the County continues the practice of not maximizing the return on investment by seeking state matching funds, the amount of the funds balance has the potential to decline in a relatively short time period.

Terry Kleintop and Don Moore expressed the concern that since the County is not putting forth additional funds this year, there is the possibility that there will be a windfall of requests in the

following fiscal year when the funds are offered again. Terry Kleintop countered that it would make the program more manageable by incrementally putting in the necessary funds each year.

Requested letter of insight into Board of Supervisors decision to suspend practice of sending out letters to potential Farmland Preservation applicants.

Township Manager Petrucci had provided a letter to the Environmental Advisory Council members on behalf of the Board of Supervisors which delineated the reasons why the Board resolved to forego sending out letters to Farmland Preservation Program applicants. The reasons referenced in the letter dated November 23, 2015 were as follows:

- *When the Open Space Tax was sold to the residents to be voted on by way of referendum, the tax was imposed in order to preserve farms. Northampton County has since lowered the amount of funding that was originally told to the Township and have begun using the funds for recreation purposes.*
- *Northampton County is not putting forth the funding that was originally sent to the Board as well as all other Partnership Program communities. The change in funding by the County was identified as being the primary reason for foregoing the process of sending out the letters.*
- *The farms that are preserved have their taxes frozen and other residents have to absorb what we are losing when taxes need to be raised.*
- *The sentiment was expressed that it appears as though the Township is begging farmers to go into the program because we are sending out the letters. The County already sends out letters notifying applicants of the program each year.*

Discussion was held regarding the content of the letter and the fact that members of the Board of Supervisors have previously expressed the sentiment that the EIT Open Space question should be placed back on the referendum to the taxpayers as to whether the EIT Open Space question should continue in the future.

Bob Simpson indicated that the question could be placed on the ballot as that is how the program began.

Township Manager Petrucci reported that there is a question which has been articulated in general as to whether how many parcels remaining in Agricultural Security are able to be developed because of the economy, topography and the existing Zoning Ordinance where the Township would have the possibility for large tract subdivisions that the Township was trying to prevent.

Terry Kleintop indicated that he was trying to convey to the Board of Supervisors that if there is any information the Board needs from the EAC to please communicate that need to the Township and the EAC will try to provide that information in order to help the Board make an informed decision.

Terry Kleintop indicated that he believes that members of the Board are under the impression that the amount of real estate tax revenue received by the Township dramatically declines upon such time that the farm is preserved. Terry indicated that the farmland is typically already entered into Act 319 or 519, and that the property owner is already receiving a significantly reduced assessment value based on the terms of those programs.

Bob Simpson asked how many years has the Farmland Preservation Program been in place and was told that the EIT was imposed starting in 2007- approximately seven (7) – eight (8) years. Bob Simpson indicated that the Township has preserved a decent amount of farms and there is a limited amount left to preserve. He indicated that that maybe the program has run its course, that there are not many farms left and perhaps the Township should no longer continue to push this. Does the Township want to preserve every farm in this Township? Perhaps the Supervisors are looking at it from the standpoint that the Township is containing future revenues for the Township. Maybe the Township has accomplished the goals of the program or maybe not, but how long should the program continue?

Terry Kleintop indicated that he estimated that the EIT should remain in place another three (3) years. Robin Dingle asked what that number was based on- acreage? Terry has mentally run through his mind where the large tract farms are left and asked what is the probability of these landowners preserving the properties? When this was brought up by Board members at regular meetings, Terry has reported that the EIT keep the program in place for another two (2) to three (3) years. Terry indicated that unless the attitude of the Township changes towards preserving natural features and open space properties, the EIT question should go back on the ballot in two (2) to three (3) years as the Township may have enough money accumulated to put it on the referendum and not have a substantial impact to the Farmland Preservation Program based on the number of acres preserved and the remaining acreage left to preserve.

Terry Kleintop indicated that there is no need to have an EIT for the next fifteen (15) years.

Don Moore asked whether the EAC could study this issue unilaterally or ask the Supervisors for permission to study this matter.

Terry Kleintop expressed an interest in being proactive on this point and commencing the study in order to provide all relevant information to the Board in an expedient manner. Township Manager Petrucci reported to the EAC that he would need the relevant information concerning real estate revenue in order to adequately budget and strategically plan for capital improvements and infrastructure needs over the next ten (10) to fifteen (15) years. The Township needs to know where it will be from a revenue standpoint in order to adequately plan for the future.

Bob Simpson indicated that he has thought of that issue in the past, and he understands that if the Township needs revenue in the future and taxes are raised, the real estate tax revenue increase will come from the properties not preserved with their millage rate frozen. Bob Simpson also remarked that the landfill revenue stream should be looked at as well. He remembers originally the Township was flush with cash from the revenue with a large surplus, the best police in the area and then there was a time period when the landfill tax revenue was diminished and impacted the budget.

Terry Kleintop indicated that the Township Trust Fund should be able to be actively managed like a pension fund would be. He indicated that the Township could manage the Trust Fund in such a way that revenue could be supplemented in the future just from investments.

Bob Simpson indicated that the way to evaluate whether the Farmland Preservation Program is needed or how long it should continue is to lay the map of the Township out and identify the farms worth preserving and identify the parcels which the Township does not care either way whether or not they are preserved. Maybe the approach to the Board of Supervisors is that the EAC has looked at this program, there are issues at the County level, let's keep it alive one (1) more year, get the parcels we are looking for in and then look at winding the program down. Does the Township really want to preserve every farm in the Township? Looking at a possible scenario in the future where the landfill revenue is gone, the Trust Fund revenue is gone, the majority of remaining land is preserved in the Township and the millage rate frozen, the taxes are going up substantially for those property owners whose land is not preserved. Bob Simpson feels it should be looked at to keep the program for the next one (1) to two (2) years instead of immediately going to the referendum.

Terry Kleintop and Robin Dingle indicated that the public education component is essential when contemplating whether the Open Space question should be placed on the ballot. Robin Dingle indicated that perhaps the question for the referendum could be placed on the ballot for other permissible uses of the funds- including development of parks/recreation facilities and maintenance of existing recreational facilities. Terry Kleintop also indicated that some of the Board of Supervisors thought that the EIT Open Space program was sold to the residents with the vision to be strictly used for farmland preservation only.

Robin Dingle asked whether or not it could be possible to look at using the funds for other recreational/open space uses based on the current structure of the program.

Terry Kleintop indicated that when a municipality adopts the EIT, the state mandates that you must have an Open Space Plan adopted. There are four (4) components of an Open Space Plan that the state looks like, and you cannot focus on just one component. Terry Kleintop summarized that Robin Dingle was expressing the sentiment that there are properties which could be identified as being possible properties

Township Manager Petrucci indicated that you can use the EIT funds currently for purposes other than Farmland Preservation without the question going up for referendum. Terry Kleintop indicated that he was previously aware of that possibility.

Bob Simpson indicated at the time that the EIT was imposed, there needed to be rules associated with the use of the funds as memorialized within the Open Space Plan. Bob Simpson indicated that the Township should go back and review those rules and the Open Space Plan in order to change the procedure going forward.

Terry Kleintop reiterated that his previously expressed sentiment of two (2) to three (3) years was for Farmland Preservation only- and that the Township could also take a look at what other uses for the funds could be used elsewhere.

Bob Simpson is questioning whether the Township wants to continue to diminish the tax base in the future. Bob Simpson is asking that the Board should direct the EAC to evaluate the program. Robin Dingle would like to know the pros and cons of preserving natural areas and purchasing open space parcels and are there areas worth preserving. Are there areas in the Township where commercial/industrial land uses could be permitted with the intention of allowing for potential tax base increases in the future. If those parcels are currently farmed, perhaps those parcels should not be preserved. Or, alternatively, the EIT money could be used to upgrade the parks/recreation facilities of the Township. Robin Dingle indicated that there should be a pros and cons analysis conducted not only for Farmland Preservation but also long-term planning and a study of other beneficial uses of the funds.

Bruce Rabenold indicated that it is not a major jump to preserve the natural areas. Bruce Rabenold indicated that there are many areas which would seemingly not be developable land (i.e. flood plains along the Little Bushkill Creek) but he believes the Township should still purchase the land if there is money to do it. Mr. Rabenold is opposed to simply placing the matter back on the ballot as a referendum. He wants to look at how the money could be used.

Don Moore indicated that Robin Dingle brought up the land issue and now is a good time to assess that. He wondered whether there are areas in the Township that could be changed to commercial/industrial. Robin Dingle said we should think about it. Terry Kleintop indicated that the Township is looking at revising the Comprehensive Plan and the Zoning and now would be the time to study these issues.

Robin Dingle viewed eliminating the EIT through the frame of potentially losing landfill revenue in the future and indicated it does not make sense to eliminate one source of revenue when another may be closing in the future.

Terry Kleintop indicated that if you eliminate the EIT revenue, you have to wait five (5) years before placing it on the referendum again at which point you would not know how the vote would go (i.e. the Township may discover it needs the funds but not have a way to replace the revenue at that point).

Motion was made by Robin Dingle that the EAC should send a letter to the Board of Supervisors indicating that the EAC has received and understands your feedback with respect to the decision to no longer send out the letters for the Farmland Preservation Program, the EAC respects your decision, and the EAC would like to provide the Board of Supervisors with a detailed analysis of the viability of the EIT funds and study the future general usage of the EIT funds with the permission of the Board of Supervisors. The motion was seconded by Robert Simpson and the motion passed unanimously.

2016 Schedule Update

Township Manager Petrucci reported that he had heard back from Bob Cornman via email in regards to the possible conflict in the first Monday at the of each quarter with a meeting for church. EAC Chairman Kleintop indicated that the EAC should proceed with the Monday reschedule for now unless Jane Mellert indicates that there is an issue on her end. If there is a scheduling conflict discovered with this plan, it could be changed in the future in a bulk corrective advertisement for the remainder of the year.

Miscellaneous Farmland Preservation from Township Manager

Terry Kleintop indicated that the Township Manager provided a letter to the Board and the EAC in order to give the Board and the EAC a better understanding of what is transpiring and what could transpire at the County level in regards to the Farmland Preservation Program.

Don Moore indicated that the suggestion as contained within the letter that there may be no funds going forward is a new suggestion. Township Manager Petrucci explained that there is a possible policy under consideration where Northampton County would no longer accept Township funds going forward. Township Manager Petrucci clarified that there would be no way of knowing that until the County would actually impose the policy. When coupled with the policy this year of drawing down the funds already allocated this year, he reported that these actions combined would assuredly end the Farmland Preservation Program. Manager Petrucci was clear to report that this is conjecture, and that the Township may not know until the 2017 Northampton County Budget is discussed in the latter stages of 2016. Don Moore indicated that if the County were to impose this program, the Township would need more EIT funds to continue to preserve farms in the Township, and this would point in the direction of continuing to impose an EIT at the local level.

Manager Petrucci also reported that in the past Williams Township had set a precedent in the past where additional funds were added to what the County was offering, and this practice effectively ended the program. After that action occurred, the applicants were expecting the additional funds in addition to the County funds, and this made the program fiscally unsustainable.

Review of the June 3, 2015 letter from Maria Bentzoni- Township Participation Program and County Ranking for 2015

Brief discussion was also held regarding previous materials which were submitted to the EAC/Board from Maria Bentzoni. At this time the EAC has come to the understanding that the Farmland Preservation Board entered into the 2015 fiscal year with the intention of preserving as many farms as possible utilizing the reduced budgetary funds from Northampton County.

Appalachian Trail – West Side of S.R. 33 Trail Held (Eight Street Extension)

Discussion was held regarding the upcoming presentation to be facilitated by the Wildlands Conservancy (Chris Stroehler and Dawn Gorman). Robin Dingle indicated that we need to have the appropriate maps and information in order to get it on the agenda. The Board members received all appropriate material from the Wildlands Conservancy as coordinated by EAC Secretary Jane Mellert, Tom Petrucci and Terry Kleintop. All relevant information was also forwarded out to the EAC members.

The main point as identified by EAC Chairman Kleintop was the ownership of the 8th Street Extension, that the Township is not responsible for maintaining the 8th Street Extension and whether or not the impression was that the Game Commission would be taking on the maintenance of the 8th Street Extension in the future or would the Township.

Robin Dingle brought up a similar project in another community where a municipality was leery of taking on another recreational area where vandalism could be an issue and the on-going maintenance and lighting would be the sole responsibility of the Township.

Terry Kleintop indicated that he is not sure that the potential benefits of this project (connecting to the Appalachian Trail) outweigh the costs. Are Plainfield Township residents going to use this facility? Terry Kleintop indicated that he is expecting an improved presentation on December 9, 2015 from the Wildlands Conservancy scheduled to be in attendance.

PUBLIC COMMENT

There were no members of the public in attendance.

Before adjournment, Robin Dingle requested that the long-term planning and usage of the EIT funds be placed on the agenda. She indicated a tax map should be brought in to facilitate this discussion. Bob Simpson believes that the 2016 year has taken shape already, and there is no need to set a hard deadline for preparing a report/presentation. Robin Dingle indicated that she would like to see the EAC set tangible goals to proceed with projects going forward.

Bruce Rabenold asked what is going on at Gall Farm as it was brought up at the last Lehigh Valley Greenways meeting for a potential project. Manager Petrucci explained that the only thing planned right now is a course project from University of Pennsylvania graduate students in which a sketch plan would be produced for the use of the lands. The students are conducting their final required course studies. Members of the Board of Supervisors had reviewed this news and asked that the parking for the Plainfield Township Recreation Trail be studied simultaneously as the trail is in need of solutions for additional parking. Township Manager Petrucci is viewing this matter as benign at this time.

ADJOURNMENT

Robin Dingle made a motion to adjourn the meeting at 9:34pm. The motion was seconded by Bob Simpson and passed by unanimous vote.

Respectfully Submitted,

Thomas Petrucci
Township Manager