

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
DECEMBER 14, 2011**

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The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Wednesday, December 14, 2011 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 were present at the meeting: Chairman, Michael Engler, Glenn Borger, Randy Heard, Vice-Chairman, Joseph Lerch and William Schmauder. Also present were Solicitor, David Backenstoe, Engineer, Kevin Harwick, Zoning Officer Charles Knecht, Treasurer, Virginia Koehler and Executive Secretary, Joyce Lambert.

EAGLE SCOUT PROJECT – ANTHONY GENTILE:

Anthony Gentile was present at the meeting to discuss an Eagle Scout Project that he would be undertaking at the Wind Gap Middle School in the spring of 2012. Anthony is looking to erect a 12' Vinyl Gazebo. The cost would be \$2,000/\$2,500 from Moyer Lumber.

The school district would use the Gazebo for as an alternate classroom for outside use now and then. He has applied for grants from different sources, but has not heard anything on these applications yet.

Robert Cornman, Jr., who is with the Green Knights Economic Development Corporation, informed the Board that he is not in a position yet to open up the grant to a response from them.

The Board asked Ginny if the Board had given donations in the past to any Eagle Scouts. Ginny reported that had given Colin Kessler \$703 to be used for Mile Markers on the Recreation Trail. Colin had also received money for his project from grants.

Motion was made by Glenn Borger and seconded by Chairman, Michael Engler to table this request for tonight and give Anthony Gentile an answer within a month. Motion approved. Vote 5-0.

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EXECUTIVE SECRETARY – JOYCE LAMBERT:

APPROVAL OF MINUTES:

Motion was made by Glenn Borger and seconded by William Schmauder to approve the minutes of the November 9, 2011 Board of Supervisors Meeting, as presented. Motion approved. Vote 5-0.

POLICE COLLECTIVE BARGAINING AGREEMENT AND POLICE CHIEF COLLECTIVE BARGAINING AGREEMENT:

Secretary Lambert reported that the police officers and the Board of Supervisors had negotiated both the Police Collective Bargaining Agreement and the Police Chief Collective Bargaining Agreement. All parties had reached mutual agreements and the contracts were approved and signed.

Solicitor Backenstoe indicated that the Contracts had been signed and were put on the Agenda for approvals as this had been inadvertently missed at the November meeting.

Motion was made by Glenn Borger and seconded by Chairman, Michael Engler to approve signing of the Police Collective Bargaining Agreement and the Police Chief Collective Bargaining Agreement, as prepared and agreed to. Motion approved. Vote 5-0.

ACT 4 – TAX FREEZE RESOLUTION:

Secretary Lambert reported that the Board would not be a need to pass a Resolution this year for properties going into Act 4 – Tax Freeze for the Farmland Easement Purchase Properties as no properties had closed this year.

TREASURER – VIRGINIA KOEHLER:

NOVEMBER GENERAL FUND DISBURSEMENTS:

Motion was made by Glenn Borger and seconded by Vice-Chairman, Joseph Lerch to approve the November General Fund Disbursements, in the amount of \$185,887.98 and payoff of the Palmer Property Loan from the Capital Reserve Account, in the amount of \$126,165.04. Motion approved. Vote 5-0.

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APPROVAL TO CLOSE ESCROW ACCOUNTS:

Motion was made by Glenn Borger and seconded by Vice-Chairman, Joseph Lerch to close the following Escrow Accounts:

- 1. Deerfoot Auto**
- 2. Hicks Paving**
- 3. Slate Hills/Gibraltar**

Motion approved. Vote 5-0.

APPROVAL OF THE 2012 GENERAL FUND BUDGET AND THE 2012 HIGHWAY AID BUDGET:

Motion was made by Glenn Borger and seconded by Randy Heard to approve the 2012 General Fund Budget, in the amount of \$2,919,383.00 and the 2012 High Aid Fund Budget, in the amount of \$336,100.00, as presented. Motion approved. Vote 5-0.

RESOLUTION #2011-23 – SETTING THE 2012 REAL ESTATE TAX RATE AT 6.5 MILLS:

Motion was made by Glenn Borger and seconded by William Schmauder to adopt Resolution #2011-23 – Setting the 2012 Real Estate tax Rate at 6.5 Mills, as presented. Motion approved. Vote 5-0.

BLUE MT. LIBRARY DONATION -- \$5,000:

Treasurer, Virginia Koehler reported that at last month's meeting the Board had approved payment of the \$5,000 donation to the Blue Mt. Library, but she was not sure if they also wanted this donation put back into the 2012 Budget.

Motion was made by Randy Heard and seconded by William Schmauder to put the \$5,000 donation to the Blue Mt. Library back into the 2012 Budget. Motion approved. Vote 5-0.

Ginny indicated that this would not change the Budget totals; she would just move the money around.

ROAD REPORT, POLICE REPORT, FIRE COMPANY REPORT, AMBULANCE REPORT EMERGENCY MANAGEMENT REPORT:

Motion was made by Chairman, Michael Engler and seconded by Glenn Borger to approve the reports, as listed above, for the month of November. Motion approved. Vote 5-0.

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POLICE TAZER SOP:

Police Chief, Dean Ceraul reported that the police officers have had training for the use of Tazers. A Tazer SOP has been prepared and checked by the Police Labor Counsel. A copy of the Final Draft was given to Solicitor Backenstoe and this now needs to be adopted by the Board.

Solicitor Backenstoe indicated that he didn't receive a copy until this evening. The Labor Counsel has approved it; so assuming the Board is satisfied with it, you can make a motion to approve it.

Because the Board has not had a chance to review this, motion was made by Glenn Borger and seconded by Chairman, Michael Engler to table adoption of the Police Tazer SOP. Motion approved. Vote 5-0.

POLICE VEHICLES:

Chief Ceraul reported that he has been in contact with several of the Supervisors in the past couple of weeks regarding an ongoing issue. We have a car sitting in the lot out back, which is a 2005 Crown Vic with 150,000 miles on it. The transmission is no longer working. We have to make a decision on that vehicle (don't use or just sell it, etc). There is already one Ford Crown Vic at Ken's that we have been using for parts.

About ten days ago, one of the SUV's, a 2005 Ford Explorer with 125, 000 miles on it, was leaking Anti-Freeze and it was brought to the shop where it was found that the frame was rotted and two cab mounts are rusted away.

Chief Ceraul stated that he understood the financial situation in the township, but he needs to know if the Board wants him to fix them, replace them or take them off the insurance.

William Schmauder indicated that he was done buying used vehicles. We are talking about sending police officers out this winter without a vehicle with 4-Wheel Drive. He was concerned about the police officer's safety and the people in the township if they don't have a 4-Wheel Drive vehicle and can't get to someone that needs them.

Randy Heard asked how many SUV's we had that work and Dean indicated that we have one SUV that still works. The second SUV, which is a 2002, the transfer case is a little shaky. Sometimes it works and sometimes it doesn't.

The third one, which is a 2000 Ford Explorer, is due for inspection in a month and a half. It is not going to pass inspection.

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There is a 2007 Ford Explorer that he knows works.

William Schmauder indicated that we keep spending \$8,000/\$10,000 for used vehicles; we might as well spend more money and get a new one.

Randy asked if the car could be repaired and Dean informed the Board that the transmission could be replaced with one with a 3-year/36,000 mile warranty at the cost of \$2,600.

William Schmauder indicated that he just couldn't see buying used vehicles.

Vice-Chairman, Joe Lerch stated that unless we inherit money, I don't know where we are going to get the money to buy a new one.

Bill indicated that we have the money.

Ginny indicated that there is money in the Host Retro Fund that could be used and there is still \$76,000 in the Capital Reserve Fund that Joe was using for emergencies for the Road Department.

Randy Heard indicated that he would like to get to the point where we get the bills paid and we have a cycle to replace cars and put it in the Budget.

Dean indicated that was how we had done it several years ago, but somehow it had stopped. Dean indicated that he had told the Board that if they do this and stop buying a car every year, this is what was going to happen. When we discussed the Budget, he was hoping that he could make it and he had no idea this was going to happen as soon as it did.

Motion was made by William Schmauder to purchase two new police vehicles. (Motion died for lack of a second)

Randy Heard asked if the car was worth fixing and Dean said it wasn't. You would stick \$3,000 into a 2005 with 150,000 miles on it. If the Board wants to do anything with the Crown Vic, Dean would recommend trading it in.

Dean again indicated that we have two cars that are down. We can replace one, but he would not stick \$3,000 into the Crown Vic.

The Board on this issue held further discussion.

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Jane Mellert asked if the Board had received any information prior to tonight's meeting so that they could review this. The Board went through numerous Budget Meetings and this was not in the Budget.

Randy Heard informed Jane that Dean had sent the Board a letter prior to tonight's meeting, so the Board is aware of the problems he is having.

Randy Heard felt that we should junk the car for now and put the money we get from that into repairing the SUV.

Vice-Chairman, Joe Lerch felt that if we were to purchase a vehicle, it should be a used one as that would be \$10,000 cheaper than a new one.

Chairman, Michael Engler felt that we should salvage the two cars, take care of the other SUV and explore options for either leasing or purchasing.

Glenn Borger felt that we should scrap the SUV.

Motion was made by Chairman, Michael Engler and seconded by Randy Heard to scrap the 2005 SUV, scrap the other Crown Vic that was being used for parts then park the second Crown Vic at Ken's and use that one for parts and fix the 2002 SUV. Motion approved. Vote 4-1, with William Schmauder voting no.

PLANNING & ZONING REPORT:

Motion was made by Randy Heard and seconded by Vice-Chairman, Joseph Lerch to approve the November Planning & Zoning Report, as presented. Motion approved. Vote 5-0.

ZONING OFFICER CREDENTIALS – ATTORNEY, JAMES MURPHY:

In the absence of Attorney Murphy, Attorney, Stan Margle was present at the meeting on behalf of his client, Ean Sussick.

Ean asked Attorney Margle to come to the Board tonight to discuss an issue that he feels the Board has been aware of and that has to do with the Certification and Licensing of the township's current Zoning Officer/Building Inspector, Mr. Knecht.

Mr. Sussick came to Attorney Margle several months ago to discuss some concerns he had with plans being reviewed and approved. As you know, the Zoning Officer/Building Inspector is in charge of reviewing plans, issuing Certificate's of Occupancy, some times

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issuing Cease and Desist Orders and making sure that code violations have been properly addressed. What they have looked at is whether the person, who is doing the inspections and issuing the CO's, is properly certified.

Before coming to the Board Attorney Margle recommended that Mr. Sussick make sure that the Board is aware of the proper certifications of Mr. Knecht. They wrote to the Department of Labor and Industry and received a response dated September 1, 2011.

The Department of Labor and Industry has various mechanisms for determine whether or not township officials (Building Inspectors, Zoning Officers) have proper certifications. The letter indicates the Mr. Knecht has been certified in six disciplines and he has not taken the proper certifications for twelve disciplines. Obviously not all of them apply to certain circumstances. There is a difference between residential and commercial. There are applications for plumbing and for electrical, mechanical, etc.

That letter sets forth the areas where Mr. Knecht has taken the exam and has passed on six areas of discipline and areas where he has not. The exams are open book exams and it is not hard to take and pass the tests required. This is done to protect yourself as well as the township residents.

Attorney Margle's concern is that Mr. Sussick has a subdivision that has been approved in the township. He has requested inspections. He has requested Certificates of Occupancy and as his attorney, one of his concerns would be that if a Certificate of Occupancy is issued based upon certain inspections and reviews that have taken place by the Building Inspector, who has not been properly certified through the proper channels of the Department of Labor and Industry, that could potential create an issue of liability for Mr. Sussick and more importantly create an issue of potential danger to a township resident who purchases a home in relying upon a Certificate of Occupancy that has had all of the inspections and all of the reviews previous to the actual issuance by the township.

Attorney Margle felt that this would be a concern to the Board of Supervisors if an individual, who is acting as a professional for the Board, would want to have the proper certifications and be properly licensed and have the appropriate credentials to do the inspections and ultimately issue the Certificates of Occupancy.

What he doesn't want to see happen is six months or a year down the road a homeowner has an issue or a problem with a home and that homeowner comes knocking his clients door.

Attorney Margle felt that this problem is easily remedied. He was not here to suggest that Mr. Knecht should be relieved of any of his duties or disciplined in anyway as did not

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know if Mr. Knecht had actually taken any of these exams for which he is not certified. What he was suggesting is that this issue really needs to be addressed by the Board of Supervisors and Mr. Knecht should be required to take these examinations and make sure that all of the areas mentioned in the letter are passed and he is certified if he would like to keep his position with the township.

Randy Heard asked Charlie if he was only doing inspections in the areas for which he is certified and Charlie indicated that he is not inspecting anything that he is not supposed to. He does not do Electrical Inspections.

Ean Sussick informed the Board that in 2007 the township chose to adopt the UCC. By adopting the UCC, you have to enforce it. The person in charge of enforcing the UCC is Mr. Knecht, the Building Code Official. Mr. Knecht is governing himself. It says right here on page three of the letter that Mr. Knecht is not certified to do Residential Mechanical Inspections. He is not certified to do Residential Energy Inspections, which he has done over the past five years, with the exception of the short period of time that the Board had benched him after countless calls to Solicitor Backenstoe.

Ean had called his attorneys and informed him that the township had a guy here who is doing inspections that is not certified to do them and he asked if he was liable. Both Mr. Margle and Mr. Murphy told him that he was not liable, but in lieu of that for his clients and his own peace of mind, he has been paying another inspector for 20 plus homes to come in and inspect. Mr. Knecht comes in at 9:00 and another inspector comes in at 10:00. This has been costing him \$15,000/\$20,000, but it is the right thing to do.

You have a paper in front of you that says he is not certified to do these inspections.

Randy Heard indicated that he wanted to see what houses he has inspected that he wasn't supposed to and was told by Mr. Sussick that he should look through Charlie's Building Permit files. The only agency that Mr. Knecht out sources to is the electrical. He has inspected mechanical and energy and he is not licensed to do this.

Mr. Sussick indicated that he had brought this to Solicitor Backenstoe's attention at least a half dozen times, just as recently as two weeks ago and Solicitor Backenstoe told him that he had better keep using Charlie.

Solicitor Backenstoe indicated that was not true. He noted that Ean called him and Mr. Murphy, his attorney, had sent him a letter and he immediately sent that to the Board. When the second letter was sent he also sent that to the Board and he said that Charlie should be prepared to answer him tonight.

Solicitor Backenstoe indicated that he had never said that Mr. Sussick had to keep using him. That is absolutely not true!

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Mr. Sussick indicated that he just wants a Certified Third Party. One person that he can call that is certified to do all of the inspections. It is a five-minute phone call to Labor and Industry to find out if your employee is certified.

Attorney Backenstoe indicated that Ean had called him once and he told him that Charlie gave him three other inspectors, but they weren't there and couldn't come out as fast as you wanted them to. So, what is he supposed to do? He can't inspect them, so he got a third party inspector for you.

Ean stated that two never answered the phone and one didn't show up. He had people that wanted to move into a house, so he called another local agency that was certified.

Mr. Knecht is not enforcing this. He is not doing his job. Who says he is credible to out source it? He can't even govern himself. It is right in front of you and you can't deny it.

Solicitor Backenstoe indicated that he is not trying to deny anything. That is absolutely not true and he was very disappointed with Ean. He reported that Mr. Sussick had called him one time.

Solicitor Backenstoe again informed Ean that he was very disappointed if this is where he is going with this. He had been told that Mr. Sussick's attorney was going to send him something and he did. When he received that, he sent it out immediately to all of the Supervisors. Then, he sent a second letter and he sent that out to the Board and he asked for this to be put on the Agenda for tonight.

Several years ago, and Solicitor Backenstoe could not recall if it had been Ean or his attorney, had called and told him that Charlie wasn't certified. At that time, Solicitor Backenstoe went right into the office with Charlie and he confirmed that he wasn't certified and he was suspended until he took all of the tests.

So, everything that you said is not true, other than the fact that he is not certified to be doing certain inspections and if he is not certified, he shouldn't be doing them.

When the township elects the UCC, they can do several different things. They can either hire an individual to do it or they can have other third parties. Now the township can represent and indicate that they have three people on call to do the inspections, but if you really do have someone who is certified, he felt that the township had to accept that.

Ean indicated that is not true. Once the Board implements the UCC, the Building Code Official's job and his job only to dictate how that works.

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Solicitor Backenstoe indicated then what Ean was trying to say is that if Charlie tells you he is not authorized to do certain inspections, he has a right to have a third party inspector come in. Attorney Margle had said that several minutes ago.

Attorney Margle indicated that Mr. Sussick understands that and that their point and their request this evening is that you have a Building Inspector who is holding himself out as having the ability to perform these inspections and he should be certified.

Their information is that he is certified in some disciplines and he is not certified in others. Yet, these disciplines that he is not certified in he has, in the past, performed inspections. That creates a liability situation potentially for the township and creates a problem for Mr. Sussick also.

Attorney Margle indicated that their suggestion is this; if the township wants to keep one Building Inspector on, he needs to be certified in all of the disciplines; or if you have a list of other third parties who the builders can use, they need to be certified in these disciplines.

If the township wants to keep Mr. Knecht on, and he is not going to take the exams and not going to be certified, then he needs to be upfront with the people and let them know that he can't do certain inspections. Insure that he is certified in all areas, or have someone else who is certified in all areas that the builders you can use.

Randy Heard indicated that the development that Mr. Sussick has in the township has been a cause of concern to the Board for years. We have had numerous complaints from the residents with snow removal, weeds not being cut and the improvements not being done in time periods allotted. The Northampton County Soil Conservation District has issued numerous violations. This is not a model situation from Mr. Sussick's end either.

Solicitor Backenstoe reported that the township has received many complaints about Ean's projects.

SUBDIVISION ADMINISTRATOR – JOYCE LAMBERT:

MINTBROOK FARMS – PHASE II – PRELIMINARY/MAJOR SUBDIVISION PLAN – EXTENSION OF TIME FOR REVIEW AND APPROVAL UNTIL JUNE 30, 2012:

Motion was made by Vice-Chairman, Joseph Lerch and seconded by Chairman, Michael Engler to approve the Extension of Time for Review and Approval of the Mintbrook Farms – Phase II – Preliminary/Major Subdivision Plan until June 30, 2012. Motion approved. Vote 5-0.

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**ESTATES AT SULLIVAN TRAIL, LLC – PRELIMINARY/MAJOR
SUBDIVISION PLAN EXTENSION OF TIME FOR REVIEW AND APPROVAL
UNTIL FEBRUARY 28, 2012:**

Motion was made by Vice-Chairman, Joseph Lerch and seconded by William Schmauder to approve the Extension of Time for Review and Approval of the Estates at Sullivan Trail, LLC – Preliminary/Major Subdivision Plan until February 28, 2012. Motion approved. Vote 5-0.

**DOLLAR GENERAL – PRELIMINARY/MAJOR SUBDIVISION PLAN AND
PRELIMINARY/MAJOR LAND DEVELOPMENT PLAN – EXTENSION OF
TIME FOR REVIEW AND APPROVAL UNTIL DECEMBER 31, 2012:**

Motion was made by Vice-Chairman, Joseph Lerch and seconded by Randy Heard to approve the Extension of Time for Review and Approval of the Dollar General – Preliminary/Major Subdivision Plan and Preliminary/Major Land Development Plan until December 31, 2012. Motion approved. Vote 5-0.

GAP VIEW II – SITE PLAN DISCUSSION:

Attorney, Timothy Charlesworth was present on behalf of the developers for the proposed Gap View II Subdivision. He reported that in 2004 a 20-lot subdivision plan had been submitted. At that time, access was off of Rt. #191. That did not work out, so then access was proposed off of Cressman Road, but because this is not a public road, the developer was not able to gain access from Cressman Road.

An additional property was purchased by the developers, which adds more land to this subdivision and allows for access via Weiss Road, which is an existing township road. His clients have put tremendous cost and effort into this project.

The Board had indicated that they should go to the Planning Commission for their comments on this latest proposal and they had done this in June and July. The Planning Commission had recommended that the developers make upgrades to Weiss Road with the possibility of additional lots being allowed on the cul-de-sac road. They also recommended that the interior road could be reduced in cartway width to allow additional funds for the off-site improvements.

The developer was also told to come up with any other cost-saving ideas which they felt would help to get additional funding for the paving of Weiss Road, and it was requested by the developer that the Board consider a waiver of the Recreation Fees for 19 lots (\$47,500).

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The reason for tonight's meeting attendance is to find out if they have the support of the township before they move towards the submission of a full-blown plan and added expenses.

Engineer, Kevin Harwick informed the Board that the previous subdivision plan had been denied by the Board several years ago, and they now fall under the new current zoning ordinance requirements. Seventeen lots would be the maximum amount allowed under the new ordinance and the developer is seeking approval for 20 lots.

Attorney Charlesworth reported that the previous plan had Conditional Approval, with access off of Cressman Road. Access for this project was to be off of Cressman Road, which in turn was not a viable solution. The developer had granted the township a routine time extension, but the Board did not accept this. There is currently pending litigation for this subdivision and this plan is being proposed as a settlement of the pending litigation.

Terry Kleintop indicated that he thought that there were two separate litigations for this project and he asked when this is scheduled to go before the Court.

Attorney Charlesworth reported that there is nothing on the Court schedule that he is aware of.

Solicitor Backenstoe reported that the Site Plan currently before the Board is a Hybrid. The previous plan was denied. The plan had gone through multiple reviews and there was litigation over the access off of Cressman Road. The developer lost that litigation.

At some point, the Planning Commission felt that the plan had been reviewed enough and they didn't see a viable solution to the access so they made a recommendation to the Board of Supervisors to deny the plan. The Board then made a motion to deny the plan.

The developer filed a Land Use Appeal in order to either reverse the decision or find that the township had denied the plan improperly and approve their plan. The applicant has not moved this along in the Court at this time.

The developers had filed a lawsuit against Mr. Heard as a **landowner** not as a Supervisor. Ultimately from that lawsuit, the Court said that the developer could not use the access from Cressman Road because the land belongs to Mr. Heard.

The Land Use Appeal is pending and open. The owner has the right to come in to the Board and submit a new plan and ask the Board if they would consider this plan. The Board, in turn, has a legal right to look at the plan and say if they like it.

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Robert Cornman, Jr. was present at the meeting on behalf of the Planning Commission. The Planning Commission has sent a letter of recommendations to the Board of Supervisors. The Planning Commission felt that the access to this development should be off of Weiss Road, which is not a developed road.

The Planning Commission recommended that the Board consider trading off-site improvements to Weiss Road for an increase in the lot count. They had also recommended that the road standards in the development be changed to allow for more money to be used for the improvements and that the township work with the developer to grant waivers in order to make the economics of this work out.

Glenn Borger felt that all of these waivers that were being asked for were too costly for the township. In addition to the waivers the Planning Commission had recommended that developer is also asking for a waiver of the Recreation Fees, which amounts to \$47,500.

Mr. Albanese, who is one of the partners in this development, stated that they are not saying that the Recreation Fees has to be eliminated. They were asked by the Planning Commission to find other alternatives to help offset the cost of the improvements, and this is what they had come up with.

William Schmauder asked if there was going to be any trouble with fire trucks being able to pass each other with the road width being decreased to what is now proposed. Engineer Harwick indicated that this would not be a problem as long as there were no cars parked on the road.

Motion was made by William Schmauder and seconded by Chairman, Michael Engler to work with the developer to support the principle of this subdivision and talk further on the concepts of this development. Motion approved. Vote 3-1-1, with Glenn Borger voting no and Randy Heard abstaining.

CITIZEN'S AGENDA/NON-AGENDA:

TERRY KLEINTOP – INFORMATION ON SOUND ENGINEERS:

At last month's meeting, Terry Kleintop was granted approval to work with Solicitor Backenstoe to search for someone to assist in crafting a Sound Ordinance and to be able to go to Court to uphold the ordinance, if necessary.

Terry reported that he had found a person by the name of Robert N. Andres, Sr., who has a firm in Florida. The cost for this is not cheap and you need to be certain of the product you are going to get.

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Terry had also found a firm in Philadelphia, but although they don't feel that they have the expertise in drafting the ordinance they are willing to go to Court and testify.

Terry informed the Board that Mr. Andres has offices in Syracuse, New York and Naples, Florida. This would become very expensive even if Mr. Andres traveled from New York to take tests and appear in Court.

Mr. Andres has agreed to review the information free of charge and give us his direction. Once we hear back from him, the Board can then make a decision whether or not to hire him.

Motion was made by Glenn Borger and seconded by Randy Heard to authorize Secretary Lambert to provide any information necessary to Mr. Andres, Sr., at no charge to the township, so that he can take a look at it and provide his recommendation. Motion approved. Vote 5-0.

LITTLE BUSHKILL CREEK – WATER QUALITY DATA REVIEW:

Terry Kleintop reported that the EAC was seeking approval from the Board to hire the Elm Group, at a cost not to exceed \$4,000 to evaluate the Little Bushkill Creek Stream Test Data and prepare a report for the township.

Motion was made by Glenn Borger and seconded by Randy Heard to hiring "The Elm Group" to review and evaluate the Little Bushkill Creek stream test data, with the cost not to exceed \$4,000, and payment to be made from the Environmental Fund. Motion approved. Vote 5-0.

KRISTEN HARVEY – ROAD DEPARTMENT LETTER:

Kristen Harvey, who lives in the Sherwood Forest Development, was present at the meeting to discuss a letter that she had received from the Road Department. The letter indicated that the Road Department was considering stopping the leaf pick-up in the Sherwood Forest Development. This would affect all of the neighbors in this development if this were to happen.

Kristen indicated that children could fall on the slippery leaves, cars could get in accidents, there could be fires because of someone throwing out a lit cigarette, etc. This would be a liability to the township if something should happen.

Chairman, Michael Engler informed Mrs. Harvey that the township is not required to pick up leaves. The Road Department has been going out in certain areas around Thanksgiving as a courtesy and cleaning up the leaves that are in the gutters and along

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the roads. More and more neighbors are contributing to the problem because they feel that this is something the township automatically does and they are raking the leaves from their yards into the road for the Road Department to pick up.

Chairman, Michael Engler indicated that there is a law against throwing snow in the road.

Vice-Chairman, Joseph Lerch reported that the same situation is happening with the leaves because the neighbors are putting them there. These are not just the leaves that have fallen or been blown there by the wind.

Joe indicated that the problem was that last month, a resident came in to the meeting and asked when the Road Department was going to pick up leaves. This was done as a courtesy and while they were picking up the leaves, a resident called up the township and asked why they were doing this.

Chairman, Michael Engler reminded Mrs. Harvey that the township's garbage contract allows you to put out leaves with the garbage. The Road Department picks up leaves along the road, but if piles of leaves continue to pile up along the roads, we know that the residents are putting them there.

Motion was made by Chairman, Michael Engler and seconded by Glenn Borger to table action on this until the January meeting. Motion approved. Vote 5-0.

KEVIN PHILLIPS – SCHOOL RESOURCE POLICE OFFICER:

Kevin Phillips indicated that it was his understanding that the township had hired a police officer on a Grant to work as a School Resource Officer. If the township is no longer receiving grant money for this officer, why can't we lay him off?

Chief Ceraul reported that the grant that the township had received was a Universal Cop Grant, not just for the school. You can't just lay off that police officer. He has seniority and he wasn't just hired for that position. If you were to lay off a police officer, you would have to let the last guy hired go first.

Mr. Phillips indicated that he felt that the township should send a letter to the school board and that all three municipalities pay his salary. Chief Ceraul reported that he has been in discussion with the school on this but he hasn't heard from them yet.

John Itterly asked if Pen Argyl High School had a police officer in that school also. He was under the impression that there was an officer there from Pen Argyl Borough. Chief Ceraul said that there is not a police officer in the high school.

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JONATHAN LOCK – ZONING OFFICER:

Jonathan Lock was present at the meeting and informed the Board that he has been a resident of the township since 1970. In that time period, he has built 10 houses in Plainfield Township. The township's current Zoning Officer has been at several of the houses he has built and nobody has done a better job than Charlie has.

Mr. Lock felt that what was happening here tonight with Mr. Sussick had to do with other issues with this developer. It sounded as though Mr. Sussick had other issues and that he didn't like things that Charlie had done or someone else.

Mr. Lock informed the Board that he has never had a problem with Charlie. When you call him, he is there the same day. When Charlie isn't in and you call Keystone Code, they are also there on time.

Also, in regards to the police, the economy is real bad. The crime rate is increasing because people are laid off. We need the police and the police need vehicles. This is a large township and it covers a lot of area. The police department needs to have vehicles that work in order to get around.

Mr. Lock indicated that he didn't know that township was that bad off that we couldn't afford a new police vehicle. When you fix up a vehicle you are just eating up your money because more and more things are bound to go wrong with a police vehicle.

WANDA GRUBER:

Wanda Gruber thanked Joe Lerch for everything that he has done during his tenure on the Board of Supervisors.

She also indicated that Officer, Robert Long has provided good service to the township. Not only is he at the school, but he also runs the Junior Police Academy every year and is a valuable asset to the community.

Wanda asked that the new Supervisors coming into office next year speak up so that the audience can hear what is being said.

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ENGINEER'S REPORT – KEVIN HARWICK:

JANSON WOODS – LETTER OF CREDIT REDUCTION AND START OF 18-MONTH MAINTENANCE PERIOD:

Motion was made by Glenn Borger and seconded by Vice-Chairman, Joseph Lerch to approve the Letter of Credit reduction for the Janson Woods Subdivision, in the amount of \$125,879.58 and to start the 18-month Maintenance Period until June 14, 2013.

Motion approved. Vote 5-0.

INDUSTRIAL BUSINESS PARK ZONING DISTRICT REVISIONS – ENCLOSURE OF BUILDINGS & SPECIAL EXCEPTION USES:

Engineer Harwick reported that both the EAC and the Planning Commission, as authorized by the Board of Supervisors, had reviewed, discussed and made revisions to the proposed Draft Ordinance for Enclosure of Buildings in the Industrial Business Park Zoning District of Plainfield Township and changing of numerous businesses from Permitted Uses to Special Exception Uses.

Solicitor Backenstoe informed the Board that the EAC did a good job on the proposed ordinance and he has now prepared the Draft Ordinance for approval for advertisement and adoption. This would need to be sent to the Lehigh Valley Planning Commission for review and comment prior to advertisement for adoption.

Motion was made by Glenn Borger and seconded by Chairman, Michael Engler to authorize Solicitor Backenstoe to send the Draft Industrial Business Park Zoning Ordinance Amendment to the LVPC for review and comment and advertise for adoption once this has been completed. Motion approved. Vote 5-0.

WIND GAP MEDICAL OFFICE BUILDING:

Engineer Harwick reported that during the Land Development Phase of the Wind Gap Medical Office Building, 9 trees, on Jacobsburg Road, were to remain on the property. Because of construction of the sewer line and other improvements in this area, the trees had to be removed and there is actually no place to replant in the same location.

Because of this, the developer has offered to give the township a donation of \$2,700 (9 trees @ \$300) to be put into the Township Recreation Fund and used at the Community Park for trees.

Motion was made by Glenn Borger and seconded by Vice-Chairman, Joseph Lerch to accept the \$2,700 donation for the Recreation Fund and send a letter releasing the

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developer from the installation of the trees on Jacobsburg Road once the check has been received. Motion approved. Vote 5-0.

BOARD OF SUPERVISORS REPORTS:

GLENN BORGER – PSATS 2012 CONVENTION:

Glenn Borger requested permission from the Board to attend the PSAT Conference/Convention in 2012. Glenn informed the Board that he would pay for his own attendance at the Convention.

Secretary Lambert indicated that we would need to appoint a Delegate and an Alternate for the Conference.

Jane Mellert, newly Elected Supervisor, indicated that this should not be done tonight, as this is one of the things that would be done at the January Reorganization Meeting.

RANDY HEARD – DONATION REQUEST FOR LOGAN:

Randy Heard reported that he had received information by AJ Olszewski requesting a donation on behalf of his son Logan's Boy Scout Troop for a young boy named Jack Culbertson who has cancer.

Motion was made by Randy Heard and seconded by Williams Schmauder to make a donation on behalf of the township for Logan, in the amount of \$100. Motion approved. Vote 5-0.

Randy Heard thanked Chairman, Michael Engler and Vice-Chairman, Joseph Lerch for their six years of service on the Board of Supervisors.

JOSEPH LERCH – VICE-CHAIRMAN:

Vice-Chairman, Joseph Lerch thanked everyone who had voted for him and put him in the position of Township Supervisor. All of the people on the Board have the interest of the township at heart and have done a good job during his time on the Board.

CHAIRMAN, MICHAEL ENGLER:

PERSONNEL MANUAL:

Motion was made by Chairman, Michael Engler and seconded by Glenn Borger to adopt Resolution #2011-27 – Employee Personnel Manual, as presented.

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Prior to the vote being taken, Jane Mellert questioned if this was an update to the current Personnel Policy.

Solicitor Backenstoe indicated that he didn't know that there was a policy before. The Board had discussed the preparation of a Personnel Policy and this was prepared. He indicated that the issue had come up when Charlie was sick. There had been a question as to what he was to receive (paid holidays, sick days, etc).

Jane Mellert indicated that she hasn't had time to look at the old policy versus the new one. She had been told that this was a new policy and that it was not public information until it was completed.

Both Secretary Lambert and Treasurer Koehler reported that they were not aware of any other policy that was currently in effect.

Chairman, Michael Engler told Jane that we have to work with what is in place now. This was not shoved through because she had created the original. We felt that there were problems that needed to be corrected. The Board felt that this could benefit someone in the township who is not covered by a contract.

The people in the office are at-will employees and we needed to have policy of what they can and cannot do.

The two ladies in the office who do a fine job are getting close to retirement age and the Board didn't feel that someone new, who is green as grass, should get 4 weeks vacation like the employees who have been here for a long period of time. How would that be fair? This policy sets the guidelines for those types of things.

Jane indicated that there was a policy prior to her coming on board in 1989 and she asked if you didn't have to unadopt an existing policy if there was one.

At this time, Chairman, Michael Engler made a motion to rescind his motion to adopt Resolution #2011-27, the Employee Personnel Policy. Motion was seconded by Glenn Borger. Vote 5-0.

Action on this is to be tabled until another meeting.

Chairman, Michael Engler then thanked everyone for their support and effort that has been given over the last six years, some for two years and some for four years.

Chairman Engler indicated that he thought both Joyce and Ginny are the best in the world and he thanked them for everything that they do. He then told Charlie to keep his head

high and with that to get his ass in line as best as possible.

To Dave and Kevin, he indicated that he couldn't say enough about what they have done for the township and how they have saved them. You have bailed his butt out many times. He is thankful for those who are smarter than him. With that, we will move on to the Solicitor's Report.

SOLICITOR'S REPORT – DAVID BACKENSTOE:

RESOLUTION #2011-24 – CONSERVATION EASEMENT PURCHASE PARTNERSHIP MATCH RESOLUTION:

Terry Kleintop was present in the audience and requested that the Board increase the amount to be granted to the County for the Conservation Easement Purchase Partnership Match be increased from the amount of \$383,045.33, which is currently in the proposed Resolution to \$390,000.00, which is in the account as of December 5th.

Motion was made by Glenn Borger and seconded by Randy Heard to approve Resolution #2011-24, Conservation Easement Purchase Partnership Match Resolution, with the match amount to be \$390,000.00 as requested. Motion approved. Vote 5-0.

RESOLUTION #2011-25 -- -- DEED OF DEDICATION FOR JANINE WAY AND RESOLUTION #2011-26 – DEED OF DEDICATION FOR JASON TERRACE:

Motion was made by Glenn Borger and seconded by Vice-Chairman, Joseph Lerch to adopt Resolution #2011-25 and Resolution #2011-26, as presented. Motion approved. Vote 5-0.

Having no further business to come before the Board, motion was made by Glenn Borger and seconded by Randy Heard to adjourn the meeting. Motion approved. Vote 5-0.

Meeting adjourned at 10:55pm.

Respectfully submitted,

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