

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:00 PM
May 12, 2011**

The Public Meeting of the Salisbury Township Board of Commissioners was held on the above date in the Township Municipal Building located at 2900 South Pike Avenue, Allentown, Lehigh County, Pennsylvania.

Members attending:

James Brown, President
Robert Martucci, Jr., Vice President
Norma Cusick, President Pro-Tempore
James Seagreaves
Joanne Ackerman

Staff attending:

Randy Soriano, Township Manager
Cathy Bonaskiewich, Assistant Township Manager/Finance Director-EXCUSED
John Andreas, Director of Public Works
Allen Stiles, Chief of Police
Cynthia Sopka, Director of Planning & Zoning
John Ashley, Esquire, Township Solicitor
David Tettermer, representative of Township Engineer, Keystone Consulting Engineers

CALL TO ORDER

President Brown called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE FOLLOWED.

NOTIFICATION

Mr. Soriano informed the attendees that all sessions of the Salisbury Township Board of Commissioners regular meetings are electronically recorded for the purpose of taking the Minutes. All public comments on agenda items would be taken prior to the vote. All public comments related to non-agenda items will be taken after the agenda has been satisfied.

Mr. Soriano announced that the Township records the meetings and archives its tapes and are available pursuant the Right-to-Know Law, if requested.

Mr. Soriano reminded everyone of the three minute rule and asked that everyone who wishes to speak to come to the podium, sign up, announce themselves, and speak clearly in the microphone. Mr. Soriano added that the speaker has a choice not to list his/her address; however, it is preferred

that the speaker announce if he or she is a Township resident. He noted that if a resident does not divulge his or her address, it will impair the Township with administrative follow ups on a particular issue.

APPROVAL OF BILLS PAYABLE

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to approve the list of Bills Payable for the period 4/23/2011 through 5/06/2011.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

MINUTES

April 28, 2011

Commissioner Brown declared the April 28, 2011 Board of Commissioners Regular Meeting Minutes approved as presented.

NEW BUSINESS

CONDITIONAL USE HEARING

Request by TNT Fireworks- 4003 Helton Drive, Florence, AL 35630 (c/o Deborah Ivins, 427 Louise Lane, Bartonsville, PA 18321) for Conditional Use Approval to conduct retail sales of sparklers and firework novelties in the parking area of 3145 Lehigh Street.

Mr. Soriano noted that this is a request by TNT Fireworks to allow the temporary use of a pole tent in the Paper Outlet store parking lot at 3145 Lehigh Street. He stated that they will use the space to conduct retail sales of sparklers and fireworks novelties.

Mr. Soriano commented that as in prior hearings, the Board will act as quasi-judicial body, and therefore will allow the applicant to introduce the facts at the meeting. The Board will also consider, as part of their decision, the review comments from the Planning Commission and others that the Board deems necessary (i.e. Fire Chief, Police Chief, etc.). Mr. Soriano noted that the property is zoned C-3 Commercial District and said the use is permitted as a Conditional Use pursuant to Section 807C. Mr. Soriano turned over the Hearing to Attorney Ashley.

Attorney Ashley introduced Deborah Ivins, area manager for TNT Fireworks. Ms. Ivins explained that she wants to install a 30' x 50' pole tent in the parking lot of the Party Supply to

sell sparkles and fireworks novelties. She is requesting that the tent be operational from approximately June 20th through July 6th and open daily from 9:00 a.m. until 9 p.m.

Commissioner Cusick inquired if there was an age limit on the people buying the merchandise. Ms. Ivins responded that the minimum age is 16 and the employees will ask for identification. She commented that if they cannot prove their age, an adult must be present.

Ms. Cynthia Sopka noted that the Planning Commission is recommending approval conditioned upon the company only selling the type of firework novelties that are allowed to Pennsylvania residents and must comply with all Federal, State and Local regulations.

Mr. Ed Tremba of 1076 Newgate Drive expressed concerns about the legality of the fireworks sales. Ms. Ivins clarified that the items sold are called “Consumer Fireworks Class A” and they are legal in Pennsylvania.

Chief Stiles stated that all the merchandise at TNT Fireworks has to be legal in Pennsylvania, and as long as the items are compliant with the state crimes code, they are permitted to be sold. He commented that they are not allowed to sell anything that shoots in the air or anything that explodes. Chief Stiles noted that the merchandise has to be ground effects, sparklers, and things that cause smoke and sparks.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to Grant the Conditional Use Approval for TNT Fireworks- 4003 Helton Drive, Florence, AL, 35630 (c/o Deborah Ivins, 427 Louise Lane, Bartonsville, PA 18321), with the condition that the only devices sold will be limited to those that can be legally sold to Pennsylvania residents and that the seller agrees to adhere to all Federal, State and Local regulations.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

ORDINANCES

None

RESOLUTIONS

None

MOTIONS

Consideration of a Motion to Award the Bid for the Flexer Avenue and Clearview Drive Water Main Projects, respectively, Contract “A” and Contract “B” to Muschlitz Excavating, Inc. in the amount of \$90,615 for Contract “A” and \$102,579 for Contract “B”.

Mr. Soriano noted that the work for Contract “A” consists of approximately 450 lineal feet of 12” Ductile Iron Pipe (DIP) water main and appurtenances along Flexer Avenue, between Cedar Lane and Lindberg Avenue. The cost for this is \$90,615. He stated that the work for Contract “B” will include the installation of approximately 750 lineal feet of 6” DIP water main along Clearview Drive, between Meadowbrook Circle North and Meadowbrook Circle West.

Mr. Soriano commented that Bids were received on April 5, 2011. The Township Engineer has recommended the awarding of the Bids.

Motion by Commissioner Cusick, seconded by Commissioner Seagreaves, to Award the Bid for the Flexer Avenue and Clearview Drive Water Main Projects, respectively, Contract “A” and Contract “B” to Muschlitz Excavating, Inc. in the amount of \$90,615 for Contract “A” and \$102,579 for Contract “B”.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Motion to renew the Greenstar Single Stream Recycling Contract.

Mr. Soriano stated that the Township was able to re-negotiate a very competitive rebate rate for its recycling commodities. Greenstar, the current processor, currently charges \$10.00 per ton of material received and recycled. Recycling markets have shown a strong rebound in commodities like plastic and cardboard. Mr. Soriano noted that, unlike our prior contract that had a floor of \$10/ton and a ceiling of \$30/ton, he is recommending that the rebate will be based on the Net Material Value for each ton of Single Stream Recyclables. He commented that the Net Material Value shall be the Net Revenue Received for the Single Stream Recyclables meeting the specifications less the processing fee. Mr. Soriano noted that this will be adjusted on a monthly basis. He stated that current conditions would provide a rebate of \$35.00 per ton to the Township, and the value will be calculated based on the following model:

- A blended value will be determined by doing a composition of materials and applying Greenstar purchase order values to those materials.
- Processing and overhead expenses will be deducted from the gross value of the materials.
- The remaining net value of materials will be divided equally between the

supplier and the processor.

Mr. Soriano stated that Greenstar will continue to pay the Township an annual fee of \$2,500.00 to support its recycling efforts. He noted that Greenstar will provide educational assistance at reasonable levels to help increase recycling awareness and participation.

Commissioner Ackerman questioned how the educational assistance would take place. Mr. Soriano stated that Greenstar is willing to come in and provide any assistance in education. He noted that they will help the Township in preparing any documents or pamphlets advising residents how to increase their recycling efforts. Mr. Soriano stated that the fact the Township went from comingle to single stream recycling would indicate to the resident to put everything in one bin and it will therefore increase volume. He also commented that he is working on getting bigger containers because the more items in the container, the more there is available to sell.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to authorize the Township Manager to execute a Recyclable Materials Supply Agreement with Greenstar for the sale of recyclables, with the following terms: duration of Agreement not to exceed three (3) years; purchase price to be derived based on prices adjusted downward or upward with Net Material Value calculated as Net Revenue Received minus the Processing fee (currently valued at \$45/ton) revised monthly; annual payment of \$2,500 to support the Township recycling efforts; further contingent on the Solicitor reviewing and approving the Agreement.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Motion to renew the Devonshire Drop-off Center Lease.

Mr. Soriano stated that the Township has renegotiated the Lease with the Western Salisbury Jerusalem Joint Congregation Church for the renewal of the Devonshire Drop-Off Center. He noted that the terms and payments are unchanged: 10 years, with a donation of \$2,400 per year, respectively.

Mr. Soriano commented that the Board should authorize the Township Manager to execute any revised documents that may be proposed as a result of a legal review, contingent on the terms and payments, as discussed, remaining the same. He noted that this will allow flexibility should the Solicitor request minor modifications to the Lease.

**Motion by Commissioner Cusick, seconded by Commissioner Martucci, to renew a Lease Agreement with Western Salisbury Jerusalem Joint Congregation Church for the use of approximately 8.65 acres, for the Township to continue to operate the Devonshire Drop-Off Center, for the period commencing July 1, 2011 and ending June 30, 2021, in consideration whereof the Township will make a donation of \$2,400 per year for the duration of the Lease.
Roll Call:**

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Motion to authorize Payment No. 2 to Flow Assessment Services, LLC for Sewage Flow Monitoring and Data Logging Services.

Mr. Soriano stated that the original contract was approved by the Board on December 22, 2010 and it anticipated two phases. Phase One will cost \$59,499 with readings and maintenance every two weeks with weekly meter inspection for satisfactory operation. Mr. Soriano noted that this is very important in that more frequent inspections give more accurate information. Phase Two, if needed, will cost \$52,899. He commented that combined, the Contract was for \$112,398.

Mr. Soriano noted that Payment No. 2 request of \$21,484.65 represents 36% of the work completed and billed for Phase One or 19% of the combined two phases. The Engineer has approved the payment of \$19,336.18, which reflects a retainer \$2,148.46 or 10%.

Commissioner Cusick inquired as to when the project will be completed. Mr. Tettermer stated that the testing runs through the end of May and noted that they do not anticipate using the second phase of this project because they have had very good results. He commented that in early June, he will present the Board with recommendations on how to proceed.

Motion by Commissioner Cusick, seconded by Commissioner Seagreaves, to authorize Payment No. 2 to Flow Assessment Services, LLC in the amount of \$19,336.18 for Sewage Flow Monitoring and Data Logging Services.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

OLD BUSINESS

None

COURTESY OF THE FLOOR

Mr. Wendell Mukics of 706 Mortimer Street spoke about the elimination of the Township's grass collection services. He expressed concerns about using the Township's drop-off centers as a site to dump grass because of possibly needing extra help to collect money from the residents. He also believed that the time constraints would be difficult for those residents who work full time.

Commissioner Ackerman suggested establishing a bag system where the resident would purchase a special bag for grass at the Township building and be able to dump it at the drop-off center.

Mr. Soriano stated that the Township cannot implement a curbside collection by June 30th. He commented that the only viable option is using the drop-off centers. He noted that the schedule for the centers will remain the same. Mr. Soriano expressed concerns on how to protect who drops off the grass and the type of material that is collected. He stated that the idea of a special bag or a sticker on a bag could work because you must come to the Township to purchase it; however, he questioned whether it is fair or not for someone to put the sticker on a 20 gallon bag versus a 55 gallon bag. Mr. Soriano also expressed concerns about having to figure out the cost for the sticker.

Commissioner Martucci stated that it is his opinion not become revenue neutral, just to pay less than the \$55,000 per year they were previously paying to Waste Management. He commented that he might be in favor of establishing an alternative for the residents with no cost to them.

It was the consensus of the Board to discuss the matter in a future work session.

Mr. Ed Tremba of 1076 Newgate Drive suggested making a deal with the City of Allentown to dispose of the residents' grass. He thanked Mr. Andreas for repairing the sign near his property, but expressed concern about the curbing repair.

Mr. John Kalafut of 1091 Newgate Drive thanked the Board for coming up with an alternative to the grass collection service.

Commissioner Martucci inquired about muddy water he was experiencing. Mr. Andreas stated that Bethlehem had a water main break in the Fountain Hill area, which might have contributed to his problem.

Commissioner Brown expressed his gratitude to the Chief and the Police Department for their hard work.

Chief Stiles stated that there will be a short awards ceremony for the police officers at the next Board of Commissioners meeting.

Ms. Sopka commented that the Walking Purchase Park clean-up event was a success. She noted that with the help of the front loader, they were able to entirely clean-up the quarry.

Commissioner Brown announced that the Board will recess into Executive session following the Work Session to discuss pending litigation and will not reconvene to deliberate on any other matters.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Seagreaves. The time was 8:05 p.m.