

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
September 22, 2011
REGULAR MEETING – 7:00 PM**

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 - EXCUSED
Joanne Ackerman

Staff attending:

Randy Soriano, Township Manager
Cathy Bonaskiewich, Assistant Township Manager/Finance Director
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 FINANCIAL REPORT AND BILLS PAYABLE

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to accept the unaudited Financial Report for the period ending August 31, 2011 and the list of Bills Payables in the amount of \$254,516.88 for the period 9/3/2011 through 09/16/2011, amounts as follows: General Fund - \$199,324.13; Fire Fund - \$9,782.58; Water Fund - \$9,760.06; Sewer Fund - \$22,980.30; Highway Fund - \$12,669.81.

Roll Call:

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

The Motion passed by 4-0

MINUTES

September 8, 2011

Commissioner Brown declared the September 8, 2011 Board of Commissioners Regular Meeting Minutes approved as presented.

NEW BUSINESS

ORDINANCES

None

RESOLUTIONS

None

MOTIONS

Motion to consider the acceptance of the 2012 Minimum Municipal Obligations certifications for the Police Pension Plan and Non-Uniformed Pension Plans.

Mr. Soriano reiterated that Act 205 of 1984 requires that each year by September 30th, the Chief Administrative Officer (CAO) of the Pension Plans, Cathy Bonaskiewich, informs the governing

body of the plans' expected financial obligation for the following year. This memo, provided under the guidance of the Pennsylvania Municipal Retirement System and Bayer Barber, is intended to satisfy this legal requirement.

The calculation of the 2012 plans cost, or MMO, requires several assumptions relating to projected payrolls, amortization of unfunded liability/actuarial surplus, employee contributions and the allocation of state aid, when received. Data utilized to complete the MMO for the Non-Uniformed Pension Plan is from the Actuarial Valuation Report 1/1/09, the most recent certified to PA Employees Retirement Commission (PERC). The 2012 MMO for the Police Pension Plan is calculated from data derived from the 1-1-2011 PERC report, and the CAO has indicated her best estimate. The Board can change these numbers at future budget meetings.

The MMO is the General Fund obligation for 2012, which is payable into our plans by December 31, 2012. Therefore, the amount calculated in the MMO must be budgeted for 2012. It can be met with either general fund dollars or 2012 State Aid. For the Non-Uniformed MMO, the cost to the Plan is \$266,244, an increase of approximately \$8,500, derived primarily from increases in payroll projections. The Police Pension Plan experienced an actuarial loss as shown in the 1/1/11 valuation due to the economic downturn that has affected the investment portfolio since September of 2008, and will still be reflected in the 2012 MMO. This generated an actuarial unfunded liability of \$68,949 that will be amortized over a period. Under the 1-1-09 Actuarial Valuation, the number was \$47,331. You will also note that the MMO for the Police is also affected by the member's contribution.

Last year, the Board set the contribution level to 1.54%, and this must be again revisited. For the Non-Uniformed Pension Plan, the MMO presently shows a \$16,449 actuarial surplus based on the 1-1-09 AV report, and acts as a credit towards their cost. The Non-Uniformed Collective Bargaining Agreement includes a clause that the Township will fund the pension plan and does not require employee contributions. In summary, the total MMO for the Police Pension Plan is \$258,273, an increase of \$29,933 from the 2011 MMO. This is based on holding employee contribution to 1.54%, leaving the Township to pay \$28,600. However, if employee contributions are increased to 3.886%, the Township obligation would be reduced to \$0. Total combined MMO shows that the levy devoted towards payment of pension costs for 2012 will be \$524,517, an increase of \$38,420 from the \$486,097 2011 MMO.

In addition, the cost of our pension plans has steadily increased since the downturn of the economic market in 2008. This impacted the performance of the plan investments. As a comparison, in 2008 the total financial cost (MMO) of the combined plans was \$320,689. In 2012, the cost has risen to \$524,517, approximately \$203,831 more.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to accept the 2012 Minimum Municipal Obligations certifications for the Police Pension Plan with employee contribution set at 3.886% and Non-Uniformed Pension Plans as certified by the CEO of the Pension Plans.

Roll Call:

COMMISSIONER ACKERMAN -YES

COMMISSIONER SEAGREAVES-ABSENT
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 4-0

Motion to consider the award of bids for the sale of four (4) Police Vehicles.

Mr. Soriano reported that on September 9, 2011, the Township opened six sealed bids received pursuant to the Township's bid advertisement. He noted that the following awards are recommended:

- **VEHICLE #1** - 2007 Ford Crown Vic Police Interceptor: Grace Quality Used Cars, Morrisville, NJ - Amt of Bid: **\$3,949**
- **VEHICLE #2** - 2008 Ford Crown Vic Police Interceptor: Grace Quality Used Cars, Morrisville, NJ - Amt of Bid: **\$4,349**
- **VEHICLE #3** - Police 2003 Ford Explorer: Asia Motors Inc. - Chicago, Illinois - Amt of Bid: **\$3,379**
- **VEHICLE #4** - 2000 Ford Crown Vic Police Interceptor: Police Car Store, Bala Cynwyd, PA - Amt. of Bid: **\$911**

Commissioner Brown asked if the vehicles are sold "as is" with no express warranties. Mr. Soriano stated that they are sold "as is" and upon award, the Solicitor will prepare the necessary Bill of Sale. Mr. Soriano also encouraged the Police, or whoever has custody of those vehicles, to start them and get them ready for pick up.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to accept the highest bids for the following vehicles:

- **VEHICLE #1** - 2007 Ford Crown Vic Police Interceptor: Grace Quality Used Cars, Morrisville, NJ - Amt of Bid: **\$3,949**
- **VEHICLE #2** - 2008 Ford Crown Vic Police Interceptor: Grace Quality Used Cars, Morrisville, NJ - Amt of Bid: **\$4,349**
- **VEHICLE #3** - Police 2003 Ford Explorer: Asia Motors Inc.- Chicago, Illinois - Amt of Bid: **\$3,379**
- **VEHICLE #4** - 2000 Ford Crown Vic Police Interceptor: Police Car Store, Bala Cynwyd, PA- Amt. of Bid: **\$911**

Roll Call:

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

The Motion passed by 4-0

Motion to consider the installation of a pedestrian crosswalk on Emmaus Avenue.

Mr. Soriano stated that at the last work session, the Board reviewed the two options offered by the Township Engineer to accommodate a request by residents for the installation of pedestrian crosswalks at the intersection of Emmaus Avenue and Seidersville Road. He commented that Option One would install a single pedestrian crosswalk on Emmaus Avenue, and it would be the most feasible approach without having to add additional ADA curbing ramps if another crosswalk would be considered on Seidersville Road. Mr. Soriano noted that the Township will need to further investigate if there is sufficient right-of-way to accommodate a required 4' x 4' landing area.

Mr. Soriano stated that if the Township would wish to pursue public funding, additional information would need to be obtained in order for the Lehigh Valley Planning Commission to consider adding this intersection to the list of local TIP safety related improvements.

Commissioner Cusick questioned if the project would be completed by the Public Works Department. Mr. Andreas stated that yes, it will be done in-house.

Commissioner Cusick expressed concerns about the Board being fair in entertaining crosswalk requests. Mr. Soriano noted that anyone can come before the Board and ask for a crosswalk and it would be a matter of legislative review by the Board. Commissioner Brown stated that the Board should take the requests on a case-by-case basis.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to authorize the Public Works Department to install a pedestrian crosswalk on Emmaus Avenue at the intersection of Emmaus Avenue and Seidersville Road, contingent on obtaining the required PennDOT approval and Engineering approval.

Roll Call:

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

The Motion passed by 4-0

Motion to designate Friday, October 28, 2011 from 6:00 – 8:00 p.m. as Halloween Trick-or-Treat Night.

Mr. Soriano stated that the Chief will work hand in hand with the School District to make sure that this year's event is a fun and safe one. He noted that key intersections will be manned by the police department to facilitate the crossing of ghosts and other creatures. Mr. Soriano asked that everyone who will participate in this yearly event to please observe some of the common sense rules. Mr. Soriano noted that rules will also be posted on the Township website. Examples of the suggested tips are as follows:

- Make sure your child’s clothing is flame retardant. Review the stop-drop-roll exercise in case a costume catches on fire.
- Attach your child’s name and address to the inside of their costume.
- Imitation knives, guns, and swords are not recommended costume accessories.
- Give children flashlights and/or reflective tape, especially if their costume is a dark color.
- Lighted pumpkins and luminaries should never be left unattended.
- Make sure all outdoor lights are operational.
- Buy fresh batteries for, and test, your home smoke alarms.
- Remove items kids could trip over from your walkway and doorstep.
- Keep dogs and other pets away from your front door so that visiting children will not become frightened.
- Set up a curfew for your older kids.
- Discuss the route trick-or-treaters intend to follow.
- Watch for signs of tampered candy such as loose wrappers and check all treats before they are eaten.
- Throw away homemade or unwrapped treats. When in doubt, throw it out.
- Serve an early healthy dinner so the kids won’t fill up on candy.
- Teach children how to dial 9-1-1 if they have become lost or have an emergency. (Remind them that 9-1-1 can be dialed free from any payphone).

A warning to all motorists on Halloween:

- Watch for children in the street and on medians while driving.
- Enter and exit alleys and driveways slowly and carefully.
- Watch for children in dark clothing.
- Avoid all unnecessary travel on Halloween evening.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to designate Friday, October 28, 2011 from 6:00 – 8:00 p.m. as Halloween Trick-or-Treat Night.

Roll Call:

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

The Motion passed by 4-0

Consideration of a Motion to authorize the initiation of the 18 months Maintenance Agreement for the Yeker Farm Subdivision subject to the Township Engineer’s final inspection approval.

Mr. Soriano noted that a letter, from the developer, Selvaggio Enterprises Inc., was received requesting that the Township initiate the 18 months Maintenance Agreement for his Development known as Yeker Farm. The Developer noted that the public improvements are

substantially completed. Mr. Soriano noted that last month, the Board approved the release of \$37,518.13, which included the paving of the roadway and cul-de-sac.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to authorize the initiation of the 18 months Maintenance Agreement for the Yeker Farm Subdivision subject to the Township Engineer's final inspection approval.

Roll Call:

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

The Motion passed by 4-0

OLD BUSINESS

Mr. Soriano announced that the Grease Trap Ordinance was advertised and Board will consider its enactment on October 13, 2011.

Mr. Soriano commented that the Lock Box Ordinance was challenged by the Pennsylvania Builders Association on behalf of Anthony Builders. Mr. Soriano noted that answers were filed by the Township with L & I Secretary of the PA Department of L & I. Mr. Soriano reviewed the procedural aspects of the challenge pursuant to Act 45, Uniform Construction Code, sections herewith included for discussion purposes. Mr. Soriano stated that for all intents and purposes, the Ordinance remains under a lock box of its own pending the outcome of the challenge.

Section 503

(j) CHALLENGE OF ORDINANCE. -

(1) Aggrieved parties shall have 30 days from date of enactment of the ordinance to file a written challenge with the department and shall serve a copy of the challenge upon the municipality. The challenge shall state the reason or reasons for the challenge. A municipal ordinance may not take effect for a period of 35 days following its enactment. If a challenge is filed in writing with the department within 30 days, the department has five business days from the end of the 30-day filing period to notify a municipality of the challenge. There may be no enforcement of the ordinance until a ruling is issued by the secretary or 45 days after the filing date of the last challenge to the ordinance, whichever occurs first.

(2) The department shall review any ordinance which would equal or exceed the minimum requirements of the Uniform Construction Code based on the following standards:

(i) that certain clear and convincing local climatic, geologic, topographic or public health and safety circumstances or conditions justify the exception;

(ii) the exception shall be adequate for the purpose intended and shall meet a standard of performance equal to or greater than that prescribed by the Uniform Construction Code;

(iii) the exception would not diminish or threaten the health, safety and welfare of the public; and

(iv) the exception would not be inconsistent with the legislative findings and purpose described in section 102. The department shall take into consideration, in rendering the determination, the provision, code development process history, purpose and intent of relevant provisions of the 1999 BOCA National Building Code, Fourteenth Edition, ICC International One and Two Family Dwelling Code, 1998 Edition, or their successor codes.

(k) RULING BY SECRETARY. - A ruling on a challenge by an aggrieved party shall be issued by the secretary within 45 days of receipt of the filing of the last challenge to the ordinance or within 30 days of the hearing on the challenge which must be held by the department upon the request of the municipality in the municipality wherein the ordinance is proposed, whichever last occurs. If the secretary approves the ordinance, the municipality may begin to administer and enforce the ordinance. If the secretary disapproves the ordinance, the ordinance shall be null and void. The secretary shall state the reasons for the disapproval in writing to the municipality.

§ 7210.504. Appeals.

(a) RULING OF SECRETARY. - An appeal of the secretary's ruling may be taken to the appropriate court of common pleas within 30 days of the date of the ruling.

(b) APPLICATION FOR ENFORCEMENT OF ORDINANCE. - Any person aggrieved by the application or enforcement of any provision of an ordinance adopted pursuant to section 503 shall have the right to challenge the validity of the ordinance in the appropriate court of common pleas. In order to be aggrieved, a person must have a direct, immediate and substantial interest in the application or enforcement of the ordinance. The appropriate court of common pleas shall determine the validity of the ordinance.

COURTESY OF THE FLOOR

Chief Stiles noted that the Township's School Resource Officer, Richard Nothstein, has become a member of an Anti-Gang Initiative, working with area Police Departments and the State Police.

Commissioner Cusick inquired if there was any damage from Hurricane Irene and Tropical Storm Lee. Mr. Andreas stated that there were numerous trees down and several areas had experienced road flooding.

Commissioner Martucci inquired about the bridge at the bottom of Fairview Drive. Mr. Andreas stated that it is a box culvert. He commented that PennDOT made a repair earlier in the year and it was comprised by Hurricane Irene.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 7:50 p.m.