

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
December 8, 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
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

Commissioner Brown called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mr. Soriano acknowledged the presence of Ms. Debbie Brinton, Commissioner-elect from Ward 3, who will be taking her seat on the Board on Jan 3, 2012.

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

Commissioner Seagreaves questioned the invoice from Arbor Fence. Mr. Andreas stated that this was a request from the Recreation Advisory Committee to add a fence at the Dodson Street ballfield and retrofit another at Laubach Park.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approved the list of Bills Payables in the amount of \$371,113.41 for the period 11/19/2011 through 12/02/2011, broken down as follows: General Fund - \$287,208.08; Fire Fund - \$6,619.32; Library Fund - \$0; Water Fund - \$58,055.48; Sewer Fund - \$18,167.88; Highway Fund - \$1,064.65.

Roll Call:

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

The Motion passed by 5-0

MINUTES

November 22, 2011

Commissioner Brown declared the November 22, 2011 Board of Commissioners Regular Meeting Minutes approved as presented.

NEW BUSINESS

PROPOSED BUDGET-PUBLIC INPUT PERIOD

Mr. Soriano asked that his memo be made part of the record and briefly reviewed the Proposed 2012 Budget. The synopsis is incorporated as part of the record.

Review of 2012 Proposed Budget.

The 2012 Proposed Budget is hereby advertised in accordance with the First Class Township Code Article XVII. The Proposed Budget holds the line on taxes, while cutting expenses in order to achieve the mandate of the Board of Commissioners. Overall Revenues have decreased 8% and Expenditures by 9%. What follows is a review of the proposed budget for the General Fund.

REVIEW OF PROJECTED OPERATING REVENUES- 2011

- Budgeted- \$6,963,900- Projected \$7,527,868-Diff-\$563,968
- 2011 Projected Deficit of \$93,815 vs 2011 Budget of \$643,200

Reasons

Two received \$563,968 more Revenue than Budgeted-Key areas:

Real Estate Tax.....	12,084
Real Estate Transfer	50,000
Earned Income Tax.....	150,000
Local Service Tax.....	12,697
Total	\$224,781

- Cable Franchise Fees- \$70,000 more due Ordinance Revisions that increased Franchise Fee from 3% to 5% and remittance on a Quarterly basis which included 2010 anticipated receipts(\$120,000)-Total \$270,000
 - 355.050-Foreign Casualty Ins. Tax(Pension State Aid)..... \$177,000-One Time aberration*
 - 355-070-Foreign Fire Insurance Tax.....\$83,000-One Time Aberration*
- *REASONS- Pennsylvania Department of Revenue's enhanced efforts in collecting the Gross Premium Tax that makes up the Act 205 Fund in accordance with Act 7 of 1997. Because of this change, a spike in collections of revenues that comprise the fund has occurred, significantly increasing the amount of individual unit values for distribution. We anticipate that this is a one-time event that will not re-occur in the future. When we factor in other Non Operating Revenues (Projected -\$954,277 vs. Budgeted-\$321,800), the net result is \$1,196,445 more in revenue than anticipated.*

REVIEW OF PROJECTED EXPENSITURES- 2011

- Budgeted \$7,607,100: Projected \$7,621,683- Overruns of \$14,583 from Budget.
 - Comparison of projected versus budgeted:
 - GENERAL GOVERNMENT- Over \$43,011
 - PUBLIC SAFETY-Over \$147,573
 - SANITATION- Under(62,175)
 - PUBLIC WORKS -Under(24,229)
 - RECREATION-Under (15,274)
 - COMMUNITY DEVELOPMENT-Over 3,296
 - CONTRIBUTIONS & MISCELLANEOUS-Under(19,008)
 - INSURANCE & BENEFITS-Under-(59,887)
 - INTERFUND TRANSFERS-Over 1,276
- **Projected Expenses exceeded Revenue by \$93,815**
- **Net Change Revenue Over (Under) Expenses \$737,272**
- **Total Projected Cash Balance at the end of 2011--\$3,689,833(48% of Expenditures)**

2012 PROPOSED BUDGET

Beginning Cash Balance-3,689,833 Anticipated Ending Cash Balance--\$3,277,035

Proposed 2012 Revenues

- **OPERATING REVENUES- \$5,602,800-Decrease of approx 26%(\$1,925,068) due to tracking Sanitation Fund separately(\$1,683,523). Net decrease-\$241,545.**
 - RE Taxes- Assessment-\$447,849,100- lower by 2,000,000 due to appeals. No changes.
 - RE Transfers remains at \$320,000
 - EIT-\$1,800,000- Reduced \$50,000 from projected.
 - Total Taxes \$3,919,000-\$51,781 less in taxes.
- **NON-OPERATING REVENUES--\$512,798, which is approximately \$441,479 less than Projected.**

Total Operating and Non-Operating Revenue-\$6,115,598, approximately \$2,366,547 less than projected.
Total decreases from Projected 2011 Operating and Non-Operating Revenue-\$683,024.

ADJUSTMENTS/CUTS INTRODUCED AT THE NOVEMBER 10, 2011 MEETING

REVENUES

- A. **RE TRANSFERS**- Decreased to \$320,000
- B. **SAFE STREET GRANT**-Decreased by \$23,900-Reason-County Grant terminated by end of 2011
- C. **REFUND OF UNUSED PREMIUMS**- Increased to \$155,300
- A. **EIT**- Increased to \$1,800,000-Reason-To match current end of the year projections(\$1,850,000)-Increased by \$100,000.
- B. **PILOT**-Increase to \$127,000-Transfer amount to a designated Capital Reserve Fund earmarked for future equipment/vehicles purchases
- C. **INTERFUND TRANSFERS**- Increased to \$590,600. Reason- Allocate cost expenses proportionally to other funds. Refuse, Water, Sewer. Net increase \$375,600.
Total Increases-\$375,600

EXPENDITURES

I. GENERAL GOVERNMENT

Legislative Conference

- Dues- Increased to \$2,750
- Training- Reduced to \$500
Total Reduction- \$500

Manager

- Newsletter- Reduced to \$1,500
- Minor Equipment-Reduced to \$500
- Consulting Services-Reduced to \$11,000
- General Services- Reduced to \$4,000
- Training-Reduced to \$750
- Conferences-Reduced to \$1
Total Reduction- \$7,500

Finance

- Minor Equipment-Reduced to \$500
- Conferences-Reduced to \$1.
Total Reduction-\$2,000

Tax Collection

- Minor Equipment-Reduced to \$1
- Earned Income Tax-Increased to \$32,700
Total Reduction-\$1,301

Law

- Special Legal Services-Reduced to \$5,000
Total Reduction-\$2,000

PERSONNEL ADMINISTRATION

- Retirement Incentive-Increased to \$24,100
- Legal & Consulting Fees-Reduced to \$10,000

Total Increase-\$15,100

DATA PROCESSING

- Computer Equipment-Reduced to \$15,000(Lease purchase arrangement)
Total Reduction-\$36,700

ENGINEERING

- No Cuts

BUILDING & PLANT

- Minor Equipment-Reduced to \$200
Total Reduction-\$300

TOTAL GENERAL GOV REDUCTION- \$32,647.

PUBLIC SAFETY

- *Police Officer Wages-Reduced by \$64,800(Will not fill lateral position left vacant due to promotion to Detective)*
- *Police Longevity-Reduced by \$2,100.*
- *Bike Patrol- reduced by \$700*
- *Firearms Supplies-Reduced by \$2,400*
- *Police Vehicles-Reduced by \$22,500(Contemplates Lease/Purchase instead of outright purchase)*
- *Police Training-Reduced by \$2,000(Kept at 2011 funding level)*
- *Police Chief Conferences-Reduced by \$1,800*
Total Police Cuts-\$96,299

FIRE

- No Cuts

CODE ENFORCEMENT

- *Conferences- Reduced by\$1,500*

PLANNING & ZONING

- *Conferences- Reduced by\$1,500*

EMERGENCY MGT

- *Emergency Deputy Stipend-Reduced by \$160*

TOTAL PUBLIC SAFETY CUTS-\$99,457

SANITATION

- *Tracked as a separate Fund-Reduced by \$1,509,325-Transferred to its own separate Fund*

PUBLIC WORKS

- *Wages-Reduced by \$155,500(Due to attrition and possible retirement-To be finalized)*
- *Minor Equipment-Reduced by \$4,000*
- *General Services-Reduced by \$900*
- *Conferences-Reduced by \$1,500*
- *Composting Costs-Reduced by \$2,000(level funding)*
- *Repairs and Maintenance-Reduced by \$2,500*

- *Road Materials-Reduced by \$75,000(keep as same level as 2011 Budget)*

TOTAL PWD CUTS-\$241,399

RECREATION

- *Facilities Maintenance-Reduced by \$7,500*

TOTAL RECREATION CUTS-\$7,500

EMPLOYEE BENEFITS

- *Health Insurance-Reduced by \$62,800(Reflects savings from fringe benefits from not replacing Police and PWD positions lost to attrition/promotions. Also, reflects increases for Non-Union employees of 2.7% increases in co-pays(\$1,000/year)-5% total of premium.*
- *Police Pension Plan-Rollback of EC to 1.54%-Increase of \$28,600.*
- *Social Security Tax-Reduced by \$12,600(reflects savings from not filling vacant Police-PWD positions)*

TOTAL EMPLOYEE BENEFITS CUTS \$46,800

TOTAL OPERATING EXPENSES- 5,753,097-TOTAL CUTS-\$427,803

CAPITAL CONSTRUCTION EXPENSES

- *Administration-Reduced by \$25,000*
Total Capital Construction Cuts-\$25,000

CAPITAL EQUIPMENT

- *Police Car Video Software-Reduced by \$30,899*
- *PWD 4x4 Dump Truck-Reduced by \$20,000(CUT FROM GF-Fund entirely out of Highway Fund)*
- *PWD 4x4 Pickup Truck-Reduced by \$22,500(Lease/Purchase)*
Total Capital Equipment Cuts- \$73,399

TOTAL CAPITAL EXPENDITURES CUTS-\$98,399

➤ **TOTAL OPERATING AND NON OPERATING EXPENDITURES-\$6,115,598-CUTS-\$526,202**

➤ **TOTAL RESERVES TO BALANCE 2012 BUDGET-\$412,798 vs \$1,314,600(prior to cuts)**

➤ **CASH RESERVES AFTER CUTS-\$3,277,035(53% of EXPD)**

➤ **No anticipated increases in the water, sewer and refuse/recycling fees**

➤ **Millage to remain at 3.09 for General Purpose; Library-.18; Fire-.30-Total-3.57 Mills**

➤ **TOTAL TRUE EXPENDITURES(OPERATING and NON-OPERATING)- DECREASE-Approx 9%-(\$796,186)-Adjusted to reflect Sanitation Fund separation from GF.**

Summary-GF

- *General Government-.....\$929,853 (\$26,158 less than 2011 Projected)*
- *Public Safety.....\$1,937,743(\$182,430 less than 2011 Projected)*
- *Sanitation.....\$ 0(\$1,509,325-Shifted out of GF to its own Fund)*
- *Public Works.....\$1,119,001(\$158,070 less than 2011 Projected)*
- *Recreation.....\$57,300(\$8,274 more than 2011 Projected)*
- *Community Development.....\$2,000(\$3,296 less than 2011 Projected)*

- Contributions.....\$120,600(\$9,208 more than 2011 Projected)
- Insurance & Benefits\$1,547,700(\$5,513 less than 2011 Projected)
- Interfund Transfers.....\$38,900(\$0)

TOTAL OPERATING GF.....\$5,753,097(\$1,868,586 less than 2011 Projected- Due to shifting of Sanitation Fund- True Operating Expenses decrease \$359,261 from 2011 Projected-5%)

Capital Outlays

- Equipment..... \$162,501(\$99,836 more than 2011 Projected)**
- Construction Projects..... \$28,600(\$533,424 less than 2011 Projected)***

TOTAL CAPITAL GF.....\$191,101(\$433,588 less than 2011 Projected-Due to close out of Police Station Project and other projects not funded-69% less than prior year)

**-Includes \$150,000 towards ESFD new Fire Truck and \$12,500 for new 4x4 PWD Dump Truck)

***-Includes- Security upgrades for Municipal Building

OTHER FUNDS

Mr. Soriano noted that the Township is not proposing to increase any other fees, such as water, sewer and refuse/recycling.

Commissioner Brown opened the floor for Public Comment.

Ms. Mary Anne Stinner of 2510 Green Acres Drive asked several questions concerning the line item that shows how much Lehigh Valley Health Network pays in lieu of taxes. Mr. Soriano noted that the Budget shows a revenue line item in the amount of \$25,800, but the Township is discussing a service agreement with LVHN that would replace that line item, which will be substantially more.

Ms. Stinner asked a question with regards to the payment of employee benefits. Mr. Soriano noted that the Health Insurance line item included amounts as follows: Police - No health contribution since their CBA does not provide for payments; Department of Public Works - employees pay approximately 3% of the premium; Non-Union Staff - employees agreed to 5%.

Mr. Dave Tomcics, President of the Eastern Salisbury Fire Department, was in attendance to discuss their 2012 proposed budget and the \$5,000 cut to their operating supplies account.

Mr. Tomcics stated that ESFD requested \$25,000 for general operating expenses and \$12,500 for truck repairs, and expressed concerns because they were only allocated \$20,000 and \$8,000, respectively. Mr. Tomcics also questioned the budget allotment for Western Salisbury Fire Department, stating that WSFD is allocated \$38,000 for operating expenses and \$25,000 for truck repairs.

A discussion ensued about the difference in budget between Eastern and Western Salisbury Fire Departments. It was the consensus of the Board to further converse about the budget discrepancies between the two departments.

Commissioner Brown addressed the need to supplement the low fund balance, which is 1% of expenses, with an increase of .25 mills to the fire tax. He noted that it would be an increase of approximately \$20 per resident and would put about \$100,000 in the fire fund tax.

Commissioner Brown indicated that this would be earmarked for future purchases of fire apparatus for the two departments. The issue of the operating budget would be addressed by the Commissioners.

Mr. Soriano noted that the Board will need to vote on re-advertising the Tax Ordinance to set the new proposed .25 mill increase, which would bring the Fire Tax to .55 mills.

ORDINANCES

Mr. Soriano introduced for the Board to consider whether to amend the Tax Ordinance and increase the Fire Tax, to be designated for capital uses for fire apparatus.

ORDINANCE NO. 12-2011-_____

AN ORDINANCE OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, SETTING AND REAFFIRMING THE RATES OF TAXATION, FIXING THE TAX RATE FOR THE YEAR 2012 AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT DURING THE CURRENT FISCAL YEAR.

WHEREAS, Article XVII, Section 1701 et seq. of the First Class Township Code, P.L. 1955, No. 569, as amended, requires that the Board of Commissioners shall, inter alia, prepare and adopt a budget which shall reflect, as nearly as possible, the estimated revenues and expenditures of the Township for the year for which the budget is prepared; and

WHEREAS, the tax levied by the Board of Commissioners shall be fixed at such figure within the limit allowed by law, as with all other sources of revenue that will meet and cover said appropriations; and

NOW, THEREFORE, BE IT ORDAINED and enacted, and it is hereby ordained and enacted by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania.

SECTION 1: That for the expenses of the Township for the fiscal year 2012 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form on file in the Township Secretary's Office.

2012 Adopted Budgets

GENERAL FUND

Revenue	\$5,702,800
Expenditures:	
Operating Expenditures:	
General Government	\$ 940,193
Police	1,508,601
Fire	356,800
Protective Inspections	113,001
Planning & Zoning	139,901

Highways & Public Works	1,119,001
Recreation	57,300
Debt Service	231,300
Benefits, Insurance, & Misc.....	1,579,800
Total Operating Expenditures	\$6,045,897
Total Capital Expenditures.....	\$41,101

FIRE PROTECTION FUND

Revenue	\$ 489,500
Operating Expenditures	\$ 181,700
Capital Expenditures.....	\$ 300,000

LIBRARY FUND

Revenue	\$78,200
Operating Expenditures.....	\$81,900

WATER FUND

Revenue	\$1,387,500
Operating Expenditures.....	\$1,554,100
Capital Expenditures.....	\$25,000

SEWER FUND

Revenue	\$1,369,200
Operating Expenditures	\$2,212,500
Capital Expenditures.....	\$33,400

REFUSE & RECYCLING FUND

Revenue	\$1,689,000
Operating Expenditures.....	\$1,791,200

HIGHWAY AID FUND

Revenue	\$ 321,100
Operating Expenditures	\$ 239,700
Capital Expenditures.....	\$ 278,500

Further, in instances where expenditures exceed current year revenues, such expenditures shall be funded from the Fund Balance to cover such expenditures.

An estimate of the specific items making up the amount appropriated to the respective Departments shall be on file in the Office of the Township Manager, 2900 South Pike Avenue, Allentown, Pennsylvania.

SECTION 2: That a tax shall be and the same is hereby levied on all real property within the said Township subject to taxation for Township purposes for the fiscal year 2012, as follows:

The rate for general Township purposes, the sum of three and nine one hundredths (3.09) mills on each dollar of assessed valuation, or the sum of thirty point nine cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of thirty one hundredths (0.30) mills on each dollar of assessed valuation, or the sum of three cents on each one hundred dollars of assessed valuation.

For library services purposes, the sum of eighteen one hundredths (0.18) mills on each dollar of assessed valuation, or the sum of one and eight tenths cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form, as follows:

<i>Mills on Each</i>	<i>Cents on Each</i>	<i>Dollar of Assessed</i>	<i>\$100 of Assessed</i>
		<u>Valuation</u>	<u>Valuation</u>
<i>Tax Rate for General Township Purposes</i>		3.09 Mills	30.9 cents
<i>Tax Rate for Fire Protection Purposes</i>		0.55 Mills	5.5 cents
<i>Tax Rate for Library Services Purposes</i>		<u>0.18 Mills</u>	<u>1.8 cents</u>
		3.57 Mills	35.7 cents

A discount of two percent (2%) of the amount of any tax levied on real property under this Ordinance shall be allowed at the time of payment if said tax is paid in full on or before May 31, 2012 and a penalty equal to ten percent (10%) of the amount of any such tax levied on real property under this Ordinance shall be added to the amount of said tax and shall be payable if said tax is not paid in full on or before July 31, 2012.

SECTION 3: That the tax levy of one percent (1%) presently imposed upon salaries, wages, commissions and other compensation earned by residents of the Township of Salisbury and earned in the Township by non-residents thereof, and the one percent (1%) tax presently levied upon the privilege of transferring or conveying, by deed or other document, any interest in any lands, tenements, or hereditaments in or partly in the Township of Salisbury, be, and they are, hereby enacted and levied, without change, for the year 2012.

SECTION 4: Any Ordinance or part of an Ordinance inconsistent or conflicting with this Ordinance or any part thereof is hereby repealed to the extent of such inconsistency or conflict.

ENACTED into an Ordinance this 22nd day of December, 2011.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: _____
President, Board of Commissioners

Attest:

Secretary

Commissioner Cusick raised the issue of whether Commissioner Seagreaves should abstain from voting since he is an officer of the Eastern Salisbury Fire Department. Attorney Ashley noted that

this is a personal decision by Commissioner Seagreaves, but based on what was described, he did not feel there would be a conflict if Commissioner Seagreaves chose to vote on the Motion.

Motion by Commissioner Seagreaves, seconded by Commissioner Ackerman, to approve the first reading and re-advertisement of the Tax Ordinance for appropriations for the 2012 Proposed Budgets.

Roll Call:

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

The Motion passed by 5-0

RESOLUTIONS

None

MOTIONS

Motion to approve a policy regulating the sale of scrap metal and establishing guidelines for the appropriate use of proceeds.

Mr. Soriano stated that the proposed policy reviewed at the work session will govern future handling involving the sale of scrap metal and uses of proceeds derived from the sale. He noted that the idea is to coordinate with the Finance Department any transactions by departments and for the Finance Department to have custody of the cash to achieve better internal controls. Mr. Soriano commented that it will cover and protect the Board and the Township from any criticism of a lack of cash control with respect to this function.

Number:

Section:

SUBJECT:DISPOSITION AND SALE OF SCRAP METALS

1. *Purpose. To establish policies and procedures for the disposal of scrap metal generated by Township operations or declared surplus or abandoned on Township-owned property.*
2. *Authority. Salisbury Township Code-Sale of Surplus and disposition of property.*
3. *Application. This policy applies to all persons granted the authority to dispose and sell scrap metal*
4. *Responsibility. The Township Manager will have the responsibility for overseeing and implementing this policy.*

POLICY:

1. Scrap metal is considered an asset of the Township and its disposal is subject to the same business practices that governs the disposal of all other Township surplus assets.
2. It is the policy of Salisbury Township that scrap metal shall be collected and recycled to the maximum practical extent. Revenue generated from the disposal of scrap metal shall be credited to the Township General Fund.

DEFINITION:

Scrap Metal – Any object or material comprised of a chemical element that is malleable and ductile, usually solid, has a characteristic luster, and is a good conductor of heat and electricity, which is no longer necessary to Township operations, including, but not limited to: iron, steel, aluminum, brass, copper, insulated wire and printed circuit boards.

GUIDELINES:

1. The Township Finance Director and/or a delegate of the Township Finance Department is responsible for coordinating the sale of scrap metal generated by Township operations which is declared surplus or found to be abandoned on Township-owned property.
2. If the Township Finance Department, in concert with the appropriate Department, determines that any lot of scrap metal has no commercial value, or otherwise cannot be sold, then the appropriate department which generated the scrap metal shall be responsible for its disposal.
3. The Township may utilize contractors for the removal and/or auction of scrap metal. This decision will be the responsibility of the Finance Department and approved by the Township Manager. Selection of either process will be based on what is deemed to be in the best interest of the Township.

PROCEDURE:

1. It shall be the responsibility of any Department to identify and report any and all surplus scrap metal to the Finance Department. The Department shall provide a written report to the Finance Department which includes the quantity and type of scrap metal subject to disposition.
2. When necessary, the Finance Department, in conjunction with the Department, will determine whether an official estimate of the value of such scrap metal or proposal for its purchase shall be obtained. The Department shall work with the Finance Department to arrive at a value of the appropriate lot of scrap metals assemble by the Department.
3. If the quantity and value of scrap metal is of such that it would not be feasible to “shop around” for vendors, the Finance Department shall select a local vendor or scrap yard to dispose of the scrap metal. In other instances where there is a large quantity or the value exceeds \$4,000, award is to be made to the vendor or scrap yard that provides the highest bid/quote for the scrap metal which in some cases, this may also require removal from the Township's site.
4. If the estimated value of the scrap metal in the range of \$4,000 to \$10,000, a minimum of three written quotes are to be obtained from vendors or scrap yards who by definition, are in the general business of purchasing scrap metal. If there are insufficient local markets for shopping around, the Finance Department shall diary this in an appropriate journal for an explanation as to why other quotes were not obtained.
5. Payment of Proceeds - The preferred method of payment to the Township is by checks payable to Township and shall be accepted from vendors for the purchase of scrap metal. However, cash-based transactions may be accepted only after the Finance Department approves such a procedure and establishes appropriate internal cash controls to effectuate the disposition. This should be the exception, not the rule, in cases where vendors follow only cash business transactions practices. All payments from the vendor shall be accompanied with the appropriate supporting documentation (i.e. written quotes or bids, description of metal, unit cost and amount invoiced) of the transaction.
6. Use of Proceeds - The Township Board of Commissioners and Township Manager shall determine appropriate uses from the proceeds derived from of the sale of scrap metal. Some examples of those uses may be as such: Christmas luncheon for employees, funeral cards or gifts for employees, etc... However, the Township retains sole discretion on the use of scrap metal funds.

VIOLATION OF POLICY

If any employee fails to follow the procedures established by this Policy they may be subjected to disciplinary action leading to termination.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve a policy regulating the sale of scrap metal and establishing guidelines for the appropriate use of proceeds.

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 adopt a Whistleblower policy.

Mr. Soriano stated that this policy simply conforms to the intent of the Pennsylvania Whistleblower Act that requires employers to notify employees of their rights under the Act. He noted that it also streamlines the procedural follow up about how and who receives complaints. Mr. Soriano commented that the intent is to protect the employee from retaliation and adverse actions due to the reporting of wrongdoing and fraud in the workplace.

NUMBER : _____
SECTION: _____

EMPLOYEE PROTECTION (WHISTLEBLOWER) POLICY

Purpose: To establish procedures for all Township employees to report any violations of local, state, and federal laws.

Authority: 43 P.S. 1421 Pennsylvania Whistleblower Law of 1986, as amended. Hereinafter referred as "Act"

Application: The Policy applies to all Township employees.

Responsibility: The Township Manager will have the responsibility for administering and overseeing the policy.

GENERAL STATEMENT

The Township Code of Ethics and Conduct requires managers, supervisors and all other employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Township, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. The Township of Salisbury expects all employees to comply with all local, state, and federal laws and regulations and to report violations or suspected violations of all applicable laws. This policy is intended to encourage and enable employees to raise serious concerns within the Township prior to seeking resolution outside the Township. No employee who in good faith reports a violation of any law or has reasonable grounds for believing the information disclosed indicates an improper accounting or waste or wrongdoing shall suffer harassment, retaliation or adverse employment consequences.

DEFINITIONS

APPROPRIATE AUTHORITY A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the Office of Attorney General, the Department of the Auditor General, the Treasury Department, the General Assembly and committees of the General Assembly having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

EMPLOYEE - A person who performs a service for wages or other remuneration under contract of hire for the Township.

EMPLOYER- A person supervising one or more employees, including the employee in question; a superior of the supervisor; or an agent of the Township, including the Township Manager and elected officials.

GOOD FAITH REPORT A report of conduct defined in this policy as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

WASTE *An employer's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to the Township.*

WHISTLEBLOWER *A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.*

WRONGDOING *A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a Township ordinance or regulation, or of a code of conduct or ethics of the Township designed to protect the interest of the public or the employer.*

REPORTING PROCEDURES

All employees who have witnessed or have evidence of wrongdoing or waste while employed with the Township are encouraged to report in good faith and in writing or verbally to the employer all instances of wrongdoing and waste.

A written or verbal report shall be filed with the immediate Supervisor and a copy provided to the Township Manager. If the instance of wrongdoing involves a supervisor, the report shall be filed directly with the Township Manager. If the instance of wrongdoing or waste involves the Township Manager and other elected officials, the report may be filed with other appropriate authority.

PROTECTION OF EMPLOYEES

The Township shall not discharge, threaten or otherwise discriminate or retaliate against any employee or whistleblower regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the Township or appropriate authority an instance of wrongdoing or waste or is requested to participate in an investigation, hearing or inquiry held by the Township or other appropriate authority.

REMEDY

All employees alleging violations of this policy or Act may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages or both, within 180 days after the occurrence of the alleged violation. For more information, please review the PA Whistleblower Act, 43 P.S. Chapter 25, Sections 1421-1428.

NOTICE

This policy is intended to satisfy the Notice requirement of the Act, Section 1428, for informing employees of the protections and obligations under the Act.

ACKNOWLEDGEMENT OF POLICY

I _____ acknowledge receipt of this Whistleblower Policy.
(PLEASE PRINT NAME)

Signature of Employee

Date

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to approve the Whistleblower policy.

Roll Call:

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

Motion to approve the Memorandum of Understanding (MOU) between the Township and Salisbury Township School District for the use of a School Resource Officer

Mr. Soriano commented that this is an annual ritual whereby the Township and School District memorialize, through a Memorandum of Understanding, the activities and scheduling of the School Resource Officer. He noted that there are no changes from the previous MOU and both the School Solicitor and Township Solicitor have reviewed the MOU.

***FUNCTIONAL MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN***

SALISBURY TOWNSHIP BOARD OF COMMISSIONERS

AND

SALISBURY TOWNSHIP POLICE DEPARTMENT

AND

SALISBURY SCHOOL DISTRICT

January 2012

As part of this Functional Memorandum of Understanding, the following information, goals, guidelines, and conditions are understood and agreed upon by the signatories:

1. *The School Resource Officer Program (Program) implemented in September 2005 by mutual consent of the Salisbury School District and the Township of Salisbury is continued by this MOU dated below under the terms and conditions set forth by this MOU.*
2. *The School Administration Superintendent (School Superintendent) and the Salisbury Township Chief of Police (Chief of Police) will collaborate in the selection of the School Resource Officer and the development of a work schedule for said officer. Said work schedule will continue and is subject to agreement with the current and future Police Bargaining Unit (Salisbury Township Police Officer's Association) labor contracts. Any and all overtime hours and costs of the School Resource Officer program must be pre-authorized and pre-approved by the Chief of Police.*
3. *The School Superintendent and the Chief of Police have developed and will continue to use an existing job description for the School Resource Officer and will continue with the development of information-sharing guidelines and policies for the program. The duties and responsibilities as set forth in the SRO job description may be altered and adjusted from time to time by mutual consent of the School Superintendent and Chief of Police.*
4. *The School Superintendent and the Chief of Police, since the Program's inception, have conducted annual evaluations of the Program and have determined that the Program continues to meet the goal of maintaining a safe school environment through the reduction of violence, disorder, drugs and crime, in general, in and around the schools of Salisbury Township.*
5. *The School Superintendent and the Chief of Police will continue to conduct annual evaluations of the Program to monitor the progress and success of the Program in order to strive for a safe school environment conducive to learning that will be maintained throughout the life of the Program.*
6. *The Township of Salisbury and the Salisbury School District agree that the primary mission of the Program is to provide a cooperative and united effort to prevent crime, disorder, drug activity, gang activity and violence in and around the schools of Salisbury Township. Both parties agree that through education, awareness, enforcement, innovation, open communication and cooperation, this mission will be fulfilled.*
7. *The Chief of Police will have the authority to authorize, supervise, direct and control the activities, duties, assignments and work schedule of the School Resource Officer at all times. The Chief of*

Police and the School Superintendent will have joint oversight of the duties pertaining to the School Resource Officer's assignments and procedures while engaging in activities in and around Salisbury School District schools and while on School District property; however, the Chief of Police will have the exclusive authority and discretion to temporarily reassign the School Resource Officer to other duties in the event of any emergency situation, tactical situation, homeland security alert, natural disaster or mandatory training.

8. *Salisbury Township, the Salisbury Township Police Department and the Salisbury School District all agree that the School Resource Officer and all Salisbury Township Police Officers will have the authority to enforce all laws of the Commonwealth of Pennsylvania and Ordinances of the Township of Salisbury while on duty in and around all School District property.*
9. *The Township of Salisbury will provide the services of a full-time, fully certified and trained police officer to act as the School Resource Officer in Salisbury Township Schools throughout the duration of the SRO Program. The SRO will remain an employee of the Salisbury Township Police Department, and will not be an employee of the School District. The School District and the Township acknowledge that the SRO shall remain responsive to the chain of command of the Salisbury Township Police Department. It is understood that the SRO will only be responsible for criminal law issues, and not be involved with school discipline issues. The SRO and School District shall develop guidelines that will address disciplinary misconduct which should be handled by school officials as opposed to criminal offenses to be handled by law enforcement.*
10. *The Township of Salisbury will provide funding for the School Resource Officer Program (salary, benefits, equipment, training and insurances) during the period the SRO Program is in place. The Township will be responsible and agrees that during the term of this MOU and any renewal hereof, to maintain errors and omissions insurance and general liability insurance to cover the duties and performance of the SRO.*
11. *The Salisbury Township Board of Commissioners and the Salisbury School Board agree to each provide fifty percent (50%) of the costs and expenses of the School Resource Officer Program (including but not limited to salary, benefits, overtime*, equipment* and training*) for each year for the duration of the Program unless funding for the Program is eliminated as part of the School District General Fund Budget and/or funding for the Program is eliminated as part of the Salisbury Township General Fund Budget.
* The School District shall have the right to consider payment for overtime, equipment and training on a case-by-case basis.*
12. *This Functional MOU may be terminated by either party upon ninety (90) days written notice.*
13. *This Functional Memorandum of Understanding may be amended, revised or modified at any time upon the written consent of the parties; but, in any event, must be reviewed and re-executed within two years of the date of its original execution and every two years thereafter. No specific period of advance notice shall be required if funds for the Program are eliminated as part of the School District's General Fund Budget and/or if funds for the Program are eliminated as part of the Salisbury Township General Fund Budget.*
14. *In the event changes in Commonwealth or federal law would necessitate changes to this Functional Memorandum of Understanding, the parties agree to collaborate to amend this MOU to assure compliance by the parties with Commonwealth and federal requirements.*
15. *All parties to this Functional Memorandum of Understanding agree to cooperate in good faith and communicate fully and openly with each other in order to resolve any problems that may arise in the fulfillment of the terms of this Memorandum. Unforeseeable difficulties, problems and/or questions involving the SRO Program will be resolved by negotiations between the Superintendent, Township Manager and Chief of Police.*
16. *This MOU is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.*

AND NOW, this _____ day of _____, 2011 the parties hereby acknowledge the foregoing as the terms and conditions of their understanding.

Board President
Salisbury Township School District
Board of Directors

Board President
Salisbury Township Board of Commissioners

Superintendent
Salisbury Township School District

Chief of Police
Salisbury Township Police Department

Motion by Commissioner Cusick., seconded by Commissioner Seagreaves, to approve the Memorandum of Understanding (MOU) between the Township and Salisbury Township School District for the use of a School Resource Officer.

Roll Call:

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

The Motion passed by 5-0

Minimum Municipal Obligations (MMO) - Police Pension Plan.

Mr. Soriano stated that the Township had anticipated raising the employee contribution to 3.88%; however, the current proposed amended budget sets the employee contributions for the Police Department to the existing level of 1.54%. He noted that this action will increase the General Fund Budget by an additional \$28,600, and the revised budget will not necessitate any additional revenue to offset the cost since it will be absorbed by the prior year reserves that will again be used to balance the budget. Mr. Soriano commented that the end-of-year reserves are expected to be approximately 50% with the instituted cuts and curbing of spending on capital equipment.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the revised Minimum Municipal Obligations (MMO) - Police Pension Plan.

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 approve Payment No. 3 To Muschlitz Excavating in the amount of \$95,217.52 for the Salisbury Township/Fountain Hill CDBG Storm Sewer Installation Project: Public Road - Jeter Avenue - Dodson Street.

Mr. Soriano noted that this application covers about 84% of the work completed to date. He stated that the total payments to date, including this payment, are \$220,687.05, which leaves approximately \$41,000 unspent. He commented that the total Contract signed was for \$261,557, and the amount of CDBG Grant funds received from Lehigh County was \$199,000. Mr. Soriano reminded the Board that the Township agreed to pick up the soft costs, such as Engineering, and the remainder (approx. \$30,000) would be equally split by the Township and the Borough.

Mr. Soriano stated that overall, the system is operational and functional and the storm water collected on Public Road in Salisbury Township will now flow through the new storm sewer pipes along Jeter Avenue and connect the Dodson Street sewer system in Fountain Hill that discharges into the Lehigh River. Mr. Soriano noted that the project should alleviate some of the flooding experienced by downhill properties over the years, including the Gatta property. He commented that in essence, this project will pave the road for Gatta to now withdraw and discontinue the lawsuit filed in 2007. Attorney Ashley noted that the lawsuit was discontinued.

Mr. Soriano inquired if the payroll certifications had been approved by the County. Mr. Tetteimer replied that they were approved.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to approve Payment No. 3 to Muschlitz Excavating in the amount of \$95,217.52 for the Salisbury Township/Fountain Hill CDBG Storm Sewer Installation Project: Public Road – Jeter Avenue - Dodson Street.

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

Commissioner Brown announced that the Board would convene into Executive Session to discuss a personnel and contractual matter. The time was 8:35 p.m. The Board later reconvened.

Commissioner Brown asked if there were any further comments and/or business. Hearing none, he called for a motion to adjourn.

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 9:15 p.m.