

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
FEBRUARY 9, 2012
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.

PLEDGE OF ALLEGIANCE

Commissioner Brown asked everyone to rise and recite the Pledge of Allegiance, followed by a short period of silence and reflection.

CALL TO ORDER

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

Commissioner Brown turned over the proceedings to the Township Manager, Randy Soriano.

ROLL CALL

Board Members Present:

James Brown, President
Robert Martucci, Jr., Vice President
James Seagreaves, President Pro-Tempore
Joanne Ackerman
Debra Brinton

Staff Present:

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

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 PAYABLES

Commissioner Ackerman inquired about expenses incurred by the Salisbury Youth Association in renting the gym at the High School. Mr. Soriano explained that it is a recreation expense in which the Township pays for on behalf of the SYA for all fees relating to rentals at the school district. Ms. Bonaskiewich commented that the Township helps pay for fees relating to basketball and wrestling custodial services, and there is \$15,000 in the budget for such expenses. Mr. Soriano noted that the Board can petition the School Board to re-asses the charging of those fees.

Commissioner Ackerman also expressed concern about the fuel bills from Farm and Home. Mr. Soriano stated that it is the cost associated with vehicle fuel, which includes all of the Townships' vehicles.

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to approve list of Bills Payables for the period 1/21/2012 through 2/03/2012, broken down as follows: General Fund - \$162,966.38; Fire Fund - \$2,357.33; Library Fund - \$0; Water Fund - \$5,282.95; Sewer Fund - \$ 215,596.54; Highway Fund - \$ 142.41; Total of all Funds - \$386,345.61.

Roll Call:

COMMISSIONER ACKERMAN - YES
COMMISSIONER SEAGREAVES -YES
COMMISSIONER MARTUCCI - YES
COMMISSIONER BRINTON - YES
COMMISSIONER BROWN - YES

The Motion passed by 5-0

MINUTES

January 26, 2012

Commissioner Brown declared the January 26, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

ORDINANCES

Ordinance establishing Police Department ranks.

Mr. Soriano noted that the final revised draft was duly advertised for the Board to formally take action. He stated that the Township needs to revise the old 1958 Ordinance to clearly establish the ranks for the Police Department. Mr. Soriano commented that this was discussed in order to make it very clear which ranks are subject to Civil Service requirements and examinations. The three ranks now listed are the ranks of Patrolman, Sergeant and Detective.

ORDINANCE NO. 02-2012-___

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING PART 5 ENTITLED "POLICE DEPARTMENT" OF CHAPTER 1 OF THE CODE OF ORDINANCES TO ESTABLISH THE RANKS OF THE POLICE DEPARTMENT

WHEREAS, pursuant to the First Class Township Code, the Township is able to establish the rank of officers of the police department.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 1, Part 5 of the Code of Ordinances, be and the same hereby is amended as follows:

ARTICLE I. Chapter 1, Part 5 of the Code of Ordinances shall be amended to read as follows:

§501. Creation and Establishment.

There is hereby created and established a Police Department in and for the Township of Salisbury.

§502. Organization and Operation.

The Board of Commissioners of the Township shall appoint and fix the number, rank, tenure, compensation and allowances of the members of the Township Police Department and shall prescribe all necessary rules and regulations for the organization and operation of the Police Force.

§503. Ranks

The ranks of the Police Department are hereby established as follows:

- *Patrolman*
- *Sergeant*
- *Detective*

§504. Powers and Rights

Members of the Police Department shall enforce all ordinances of the Township and the laws of the Commonwealth of Pennsylvania within the Township and shall such powers and rights as are defined and granted by statute.

ARTICLE II. This Ordinance shall be effective immediately.

ENACTED AND ORDAINED this 9th day of February, 2012.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: _____
James A. Brown
President, Board of Commissioners

Attest:

Randy Soriano, Township Secretary

Motion by Commissioner Martucci and seconded by Commissioner Ackerman to adopt Ordinance 02-2012-____ amending the Police Department Ordinance to establish ranks. Roll Call:

- COMMISSIONER ACKERMAN - YES
- COMMISSIONER SEAGREAVES - YES
- COMMISSIONER MARTUCCI - YES
- COMMISSIONER BRINTON - YES
- COMMISSIONER BROWN - YES

The Motion passed by 5-0

RESOLUTIONS

Resolution establishing a Code of Ethics Policy.

Mr. Soriano noted that this is a final revised Code of Ethics Policy for the Board’s consideration. Mr. Soriano stated that this has been vetted at the last two meetings and believed there were no changes to the draft. He commented that once adopted, the policy will be promulgated to all elected and appointed officials and other staff.

RESOLUTION NO. 02-2012-____

CODE OF ETHICS
FOR TOWNSHIP OFFICIALS, APPOINTEES AND EMPLOYEES

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA ADOPTING A CODE OF ETHICS RELATING TO TOWNSHIP OFFICIALS AND EMPLOYEES

WHEREAS, the Township of Salisbury has numerous elected and appointed officials to serve the Township and to perform essential Township functions; and

WHEREAS, the Township of Salisbury employs both full-time and part-time staff to perform essential Township functions; and

WHEREAS, the Township desires to implement a Code of Ethics, which will be applicable to all elected and appointed Township officials and to all Township employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania and it is hereby resolved by same, as follows:

Article 1. *The Salisbury Township Code of Ethics attached to this Resolution, marked as Exhibit "A," is hereby adopted as the Code of Ethics policy of the Township, and the form thereof are hereby approved and shall be executed and filed annually by all Township Officials, Appointees and Employees.*

Article 2. *The Salisbury Township Code of Ethics, in the form so presented at this meeting and so approved, shall be filed with the Secretary of this Township and shall be made available for public inspection, and copies of same as executed by all Township Officials, Appointees and Employees, shall be provided pursuant to the PA Right to Know Law to interested persons requesting such inspection.*

Article 3. *The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Board of Commissioners that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.*

Article 4. *All Township appointed boards and commissions annually shall review the Salisbury Township Code of Ethics with its members at its organization meeting or at its first regular meeting.*

Article 5. *This Resolution shall take effect on the date executed below.*

Duly presented and adopted by the Board of Commissioners of Salisbury Township in public meeting held the 26th day of January, 2012.

ATTEST:

Township Secretary

President, Board of Commissioners

EXHIBIT A

(Referenced Attachment to Salisbury Township Resolution No. 01-2012-____)

CODE OF ETHICS OF SALISBURY TOWNSHIP

All elected and appointed officials and all employees of Salisbury Township, Lehigh County, Pennsylvania, shall be guided in their actions by the following:

CONFLICT OF INTEREST.

A. No elected or appointed official or employee of the Township shall:

1) Engage in any activity or take any action by virtue of his official position from which activity or action the official, or any other person or entity in whose welfare the official is interested, shall benefit or realize a gain or advantage. Such benefit, gain or advantage shall not, however, be construed to be prohibited if the action in question is on behalf of a group of citizens of the Township and such benefit and relationship is generally known and acknowledged.

2) Solicit or accept, directly or indirectly, any gift, favor, service, commission or other consideration that might reasonably tend to influence that official in the discharge of the duties of office or appointment.

3) Seek to influence, directly or indirectly, the awarding of any contract, plan or document where such official or employee is interested or would benefit directly or indirectly, financially or otherwise, from said contract. Such action is not intended to apply to actions of a Commissioner on behalf of a group or class of citizens of the Township who would benefit from the contract and such benefit and relationship is generally known and acknowledged and acting under the authority of the First Class Township Code.

B. Appointed Township volunteers and/or other acknowledged (by the Board of Commissioners) representative shall disclose to the Board of Commissioners, in writing, any time there is knowledge of a circumstance where either their employer or members of their family may be seeking to do business with the Township or where their proximity and /or relationship to another property owner or resident in the Township may unduly influence, directly or indirectly, their official action. Upon such disclosure, the Board of Commissioners may determine that such appointed Township volunteer and/or representative be separated from participation in such business. Willful failure of an appointed Township volunteer and/or representative to make such disclosure is cause for the Board of Commissioners to seek the resignation and/or removal of such person from the Township appointment.

C. Any elected or appointed official of the Township or employee thereof having any direct or indirect financial interest as a partner or a stockholder of a corporation or an employee of a business entity which proposes to contract with the Township for the purchase or sale of land, materials, supplies or services of any kind shall fully disclose said interest and shall not vote on said contract. Holdings in a privately-held company or partnership of less than \$1,000 or 0.1% of a publicly traded corporation are exempt. Violation of this section shall render the contract void at the discretion of the Board of Commissioners.

D. The Board of Commissioners, the Township Manager and any other elected or appointed official shall, upon taking office, file with the Township Secretary a statement of direct, indirect or beneficial ownership of real property in Salisbury Township or direct, indirect or beneficial interest in any corporation, partnership or joint venture owning real property in Salisbury Township. This statement shall be revised promptly as required by any change in ownership.

GUIDELINES FOR ETHICAL PERFORMANCE

A. Elected officials and appointed volunteers (including Board of Commissioners acknowledged representatives) of the Township shall:

1. To the best of their ability, learn and observe the Ethics laws governing the conduct of officials and employees of the municipalities of Pennsylvania.

2. Serve first the advancement of the public interest before the interest of any persons, factions or parties.

3. Abide by policies duly established by the Board of Commissioners and adhere to the standard rules and procedures relating to the performance of Salisbury Township governmental functions.

4. Strive at all times for civil conduct in keeping with the trust and dignity vested in public service.

- 5. *Strive to increase their knowledge and understanding of municipal government and improve their competence in the performance of the functions necessary to the operation of local government.*
- 6. *Respect all Township equipment, books, records and information.*
- 7. *Not use confidential information, to which they have access by virtue of their public office or position, to their personal advantage nor to the advantage or disadvantage of others.*
- 8. *Not make available to anyone any services, tangible or intangible, that are not equally available under the law to others.*
- 9. *Refuse personal gifts, favors, loans, services, payments and other inducements, made either directly to the official or employee or to a family member of the official or employee where there is reason to believe such gifts, favors or inducements are offered to influence their official actions in favor of the donor. Any in-kind and/or cash gift, favor, tip, service or other with a value over \$100.00 shall be disclosed to the Township Manager and/or Board of Commissioners who may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, and similar items may be accepted.*
- 10. *Not convey to any person any information or advice not generally available to the public in any transaction, negotiation or litigation to which the Township is a party.*
- 11. *Not use, or permit others to use, the power of public office or employment to solicit contributions from employees on behalf of any candidate for political office or any demand or infer that any Township employee should solicit contributions on behalf of any candidate for political office.*
- 12. *Disclose any potential conflict in the discourse of legislative action, which would serve to bring some special benefit by the particular vote/action being rendered. Township officials should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.*

I have read the policy adopted by the Board of Commissioners of the Township of Salisbury entitled "Code of Ethics."

I accept the Code of Ethics and agree to comply with the Code of Ethics.

I understand that it is my responsibility to disclose in writing a full description of any activity, interest, or relationship on my part that could create or create the appearance of a conflict of interest or otherwise violate the provisions of the Code of Ethics or applicable state law as soon as practical after the inception of the activity, interest or relationship.

To the best of my knowledge and belief, I am not now engaged in any activity, interest or relationship that would create or appear to create a conflict of interest or violation of the Code of Ethics except as indicated below.

I therefore expressly agree to act in accordance with this Code of Ethics.

The only situations that could possibly give rise to the appearance of a conflict of interest or violation of the Code of Ethics is/are as follows:

Date: _____ Signature: _____

PRINT NAME: _____

**Motion by Commissioner Seagreaves, seconded by Commissioner Brinton, to adopt Resolution No. 02-2012-___, adopting the Ethics Code Policy for Salisbury Township.
Roll Call:**

- COMMISSIONER ACKERMAN - YES
- COMMISSIONER SEAGREAVES - YES
- COMMISSIONER MARTUCCI - YES
- COMMISSIONER BRINTON - YES
- COMMISSIONER BROWN - YES

The Motion passed by 5-0

Resolution approving Retirement Benefits as calculated by the Actuary for Detective Brian Klimowicz.

Mr. Soriano noted that the Resolution is self explanatory and in essence will approve the retirement benefits calculated by the Actuary for Detective Brian Klimowicz. Redacted is information protected under the Right-to-Know Law.

RESOLUTION NO. 02-2012-_____

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE RETIREMENT BENEFITS FOR DETECTIVE BRIAN KLIMOWICZ.

WHEREAS, the Board of Commissioners adopted a Police Pension Plan ("Plan") setting forth the retirement requirements and benefits governing Police officers; and

WHEREAS, the Plan bestows upon the Board the administration of function unless delegated to the Pension Committee; and

WHEREAS, the Board has received a letter of retirement from Detective Brian Klimowicz; and

WHEREAS, the Actuary has calculated the retirement benefits for Detective Klimowicz for the Board to approve.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby resolved by the same to approve the election of

retirement benefits as calculated by the Actuary as shown in the Election of Retirement Benefits, attached hereto and marked "Attachment A".

APPROVED AND ADOPTED this 9th day of February, 2012 at a regular public meeting.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

President, Board of Commissioners

ATTESTED:

Township Secretary

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to adopt Resolution No. 02-2012-___, approving the retirement benefits as calculated by the Actuary for Detective Brian Klimowicz.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES -YES
COMMISSIONER MARTUCCI - YES
COMMISSIONER BRINTON - YES
COMMISSIONER BROWN - YES

The Motion passed by 5-0

MOTIONS

None

OLD BUSINESS

COURTESY OF THE FLOOR

Mr. Patrick Slattery, Director of Business Development from Kidspace, was present to invite the Board and the community to their open house on February 29, 2012.

Commissioner Ackerman expressed concerns about the Neighborhood Improvement Zone. Mr. Soriano stated that the subject is going to be discussed at an upcoming meeting held by the Tax Collection Committee. He noted that following the meeting, there is a delegation of municipalities who are convening with Senator Pat Browne to discuss some of the issues associated with the NIZ, including construction loans and the impact on the municipality. He stated that currently, the Township is still in the discovery period and nobody really knows how the legislation is going to impact the immediate future; however, he does not believe it will affect the 2012 budget.

Mr. Soriano went on to explain that the first step is to gain understanding on what the real impact will be in terms of how much Earned Income Tax is now going to be deferred into the Arena fund. He noted that the Township does not have much recourse because it is a state law and it contains a no-repeal clause, which means someone has to take the lead in introducing state legislation to amend or rescind the law.

Chief Stiles introduced new medical packs that the Police Officers will now have at their disposal when responding to calls. He stated that the kit includes QuickClot Combat Gauze, Swat-T Tourniquet, and surgical gloves. Chief Stiles noted that they are one of first Police Departments in the Lehigh Valley to carry the kits.

Commissioner Brown announced that the Board will recess into Executive Session after the conclusion of the work session for the purpose of discussing with the Solicitor potential litigation.

ADJOURNMENT

Commissioner Brinton made a Motion to adjourn the Meeting. Seconded by Commissioner Seagreaves. The time was 7:45 p.m.