

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
FEBRUARY 23, 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 Seagreaves inquired about the allocation of the cost of a portable desktop scanner. Mr. Soriano explained that the scanner is allocated between the General Fund, the Water Fund and the Sewer Fund because it serves as a tool for the Finance Department to better track checks and invoices.

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to accept the unaudited Financial Report for the period ending January 31, 2012 and approve list of Bills Payables for the period 2/4/2012 through 2/17/2012, broken down as follows: General Fund - \$155,866.76; Fire Fund - \$15,436.03; Library Fund - \$0; Water Fund - \$158,222.12; Sewer Fund - \$ 57,683.61; Highway Fund - \$ 19,492.43; Utility Payment Withholding - \$109.99. Total of all Funds - \$406,810.94.

Roll Call:

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

The Motion passed by 5-0

MINUTES

February 9, 2012

Commissioner Brown declared the February 9, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

PRESENTATION – Civil Service Commission Annual Report for 2011.

Mr. Scott Walker, Chairman of the Civil Service Commission, was in attendance to present the Board with their 2011 Civil Service Commission Annual Report in accordance with the Civil Service Rules and Regulations.

The Board thanked the Civil Service Commission for their efforts in helping the Police Department run smoothly.

PRESENTATION - Valley Mountain Bikers (VMB) – Request to conduct a Bike Event at Walking Purchase Park.

Mr. Soriano explained that since Walking Purchase Park was acquired by a Grant and three municipalities have ownership stake, it will require that all three (County, City of Allentown, and Salisbury) approve such an event. Mr. Soriano stated that he has been in communication with both governmental entities and both agree to permit such an event provided that the VMB sign a Hold Harmless Agreement and add the three municipalities as additional insured on the VMB's general liability coverage. He noted that if the Board approves the event, Salisbury will take the lead in following up with the paperwork.

Mr. Doug Pinkerton, Project Coordinator for the Valley Mountain Bikers, was in attendance to speak about the Bike Event slated for July 22, 2012. Mr. Pinkerton stated that the nature of the event is a fund-raiser with all proceeds going to the maintenance of the park, including, but not limited to, the maintenance of the trails and on-going efforts against illegal dumping. Mr. Pinkerton explained that it is a time-trail format which would have limited impact on the trail system because each individual starts off at a specific time. He also noted that they will have volunteers at both of the road crossings to watch for traffic, and commented that they are coordinating with first responders in order to make them aware of the event.

Mr. Pinkerton estimated the participation at between 100-150 people. He stated that he approached St. Luke's Hospital about parking concerns and they have offered the use of their parking deck for this event. He also commented that they are sponsoring the event.

Commissioner Brown inquired if the VMB will have volunteers stationed at different places along the trail to ensure the safety of the bikers. Mr. Pinkerton replied that because it is a long trail, there will be people at the beginning and end of each one-mile-long stage, and the trail will be clearly marked with tape.

Commissioner Martucci questioned if the VMB would be seeking assistance from the Public Works Department or the Police Department at an expense to the Township. Mr. Pinkerton said no, it is their intent to consult with first responders and he believes they should have enough volunteers.

Chief Stiles suggested that Mr. Pinkerton notify the Fountain Hill Police department of the event because most of it, including the parking location, will take place in their jurisdiction. Chief Stiles also suggested having volunteers help with parking. He noted that it will be very difficult to quickly get an officer to the event in case of a disturbance due to the location. Chief Stiles

stated that he can make sure officers are in the area, but it would require overtime at the expense of the VMB. Mr. Pinkerton thanked the Chief for his input and stated that he will consult with people who have done events locally to see how they handled police presence.

Mr. Andreas noted that he does not expect the event to impact the Public Works Department.

Commissioner Ackerman suggested that the VMB contact St. Luke's Hospital to see if they would provide security since they are sponsoring the event.

Commissioner Martucci recommended Mr. Pinkerton come back to the Board once the VMB has made a determination on the issue of requesting a police presence.

It was consensus of the Board to Table the request.

CONDITIONAL USE HEARING: FLOWER TENT

Cornerstone Consultant Co., LLC – James Pompa, Jr. – 3300 Lehigh Street.

Mr. Soriano stated that as in prior years, the Board needs to conduct a Public Hearing and act as the Zoning Hearing Board in order to decide whether to grant or deny the Conditional Use.

Mr. Soriano turned the proceedings over to Attorney Ashley.

Attorney Ashley stated that the Board will act similar to the Zoning Hearing Board and in accordance to Section 119 of the Zoning Ordinance. He noted that a stenographer is present to record the meeting.

Mr. James Pompa, Principle of Cornerstone Consultant Co., LLC, was present to testify. Mr. Pompa stated that he would like to operate a seasonal temporary flower tent in the parking lot of the South Mall (3300 Lehigh Street) selling potted flowers and plants. He stated that they would like to operate from March 29, 2012 through April 8, 2012 and re-open May 3, 2012 through June 17, 2012. The time periods would be from 9:00 a.m. through 6:00 p.m.

Mr. Pompa requested to have approval to operate the seasonal flower tent for three years, through 2014. He stated the dates of operation as follows: 2013 – March 21, 2013 through March 31, 2013 and re-open May 2, 2013 through June 23, 2013; 2014 – April 10, 2014 through April 20, 2014 and re-open May 1, 2014 through June 29, 2014.

Commissioner Martucci questioned if Cornerstone would still be required to obtain a permit each year. Attorney Ashley stated that if the Board grants permission, they will have zoning permission to operate the facility in accordance with what was specified for three years.

Ms. Sopka stated that the Planning Commission reviewed this Conditional Use on February 14, 2012. She noted that their recommendation to the Board is to approve the request throughout the multiple years, inclusive of 2012 through 2014, on the designated dates provided, and that they operate in compliance with all Federal, State and Municipal regulations. Ms. Sopka stated that

Planning Commission also recommended the condition that the proposed use continues to be permitted by the South Mall management at the same location within the Township.

Motion by Commissioner Brinton, seconded by Commissioner Seagreaves, to grant approval to Cornerstone Consultant Co., LLC to erect a temporary Flower Tent at 3300 Lehigh Street for the period of 2012 through 2014 within the dates and times specified.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

RESOLUTIONS

None

MOTIONS

Motion to approve Payment No. 1 to Grace Industries in the amount of \$45,639.49 for work performed in the Lindberg Park Basketball Courts Project.

Mr. Soriano commented that this project was approved last year on July 14, 2011. He reminded the Board that the total cost was \$66,002.65, but the 2011 Budget allocation for this capital project was only \$55,000. He noted that both the Township Engineer and Mr. Andreas reviewed the individual line items and determined that the increases in the oil prices over the year were the reason for the variation from the estimated budget units. Mr. Soriano stated that the Board allocated the additional \$10,000 needed to complete the work and awarded the Bid, without impacting the 2011 Budget, and the notice to proceed was issued on August 15, 2011. He noted that the project could not be completed in 2011 and overlaps into 2012.

Mr. Soriano stated that this represents the first payment of that project. He noted that the cost for this project was encumbered and will be booked in the 2011 fiscal year and will not impact the 2012 budget.

Mr. Tettermer stated that there are still some minor items to be completed and will be done in the spring.

Motion by Commission Ackerman, seconded by Commissioner Martucci, to approve Payment Application No. 1 to Grace Industries in the amount of \$45,639.49 for work performed in the Lindberg Park Basketball Court Reconstruction Project.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

Motion to approve Payment No. 3 to RGC Development for the Patricia Drive Pump Station Elimination Project – Contract “A” in the amount of \$46,432.52.

Mr. Soriano stated that this represents the third payment for the work completed to date on Patricia Drive. The total paid to date including last payment is \$105,359.99. He noted that the remaining balance to finish the \$287,954 contract is \$192,230.01.

Mr. Tettemer commented that the payment is for the pipe work and the road restoration part of the project.

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to approved Payment No. 3 to RGC Development for the Patricia Drive Pump Station Elimination Project – Contract “A” in the amount of \$46,432.552.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

Motion to accept the resignation of Louis Cinquino from the Environmental Advisory Council.

Mr. Soriano stated that Mr. Cinquino tendered his resignation from the EAC via email. He stated that the Board should accept this resignation with regret and open up the process of soliciting applicants to fill the vacancy. He noted that his intent is to place an announcement on the Township website.

Mr. Soriano commented that since Mr. Cinquino represented Ward 2, a replacement must come from Ward 2, unless there are no candidates available from that Ward at which time the Board could then appoint at large. Mr. Soriano commented that Mr. Cinquino has recruited someone from Ward 2 (Kreg Ulery) who will have to fill out the Application for Appointment Form. The text of Mr. Cinquino’s email is as follows:

From: Louis Cinquino [<mailto:cinquino@rcn.com>]
Sent: Saturday, February 11, 2012 5:09 PM
To: Glenn Miller (ghm1119@ptd.net)

*Cc: Cynthia Sopka; Joanne Ackerman (jackerman@rcn.com)
Subject: EAC resignation*

Glenn,

Please accept my resignation from the Salisbury Township EAC effective immediately. I am proud to have served the township in this capacity and look to remain involved in environmental efforts in a manner that is more appropriate, given my current time commitments.

Please pass along my thanks to all the EAC members for your collective work on behalf of all Salisbury Township residents are others in the Lehigh Valley that rely on protecting the resources in our township.

Lou Cinquino

cc: Joanne Ackerman, Cynthia Sopka

Motion by Commissioner Seagreaves, seconded by Commissioner Brinton, to accept with regret the resignation of Louis Cinquino from the Environmental Advisory Committee and authorize the Township Manager to post the vacancy on the Township website for a period of 10 days.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

ORDINANCES

First Reading – Draft Lock Box Ordinance Amendment.

Mr. Soriano stated that the Township has commenced the process of amending the Lock Box Ordinance to reflect the new revised Ordinance. Mr. Soriano noted that the Township expects to hold a Public Hearing on the Ordinance on April 5, 2012. He commented that for now, the Board can pass the enclosed Ordinance for first reading, and this will give some additional public notice to the residents in anticipation of the public comment period. The timetable for the amendment is as follows:

35 P.S. Uniform Construction Code

§ 7210.503. Changes in Uniform Construction Code.

(a) ADMINISTRATION. -

(1) Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, or successor codes, relating to administration consistent with the provisions of section 501(c).

(2) An ordinance adopted under this subsection applicable to the exception under section 104(b)(8) may require compliance with any of the following standards:

(i) Flame propagation criteria of the applicable edition of NFPA No. 701.

(ii) *The ICC Electrical Code.*

(iii) *International Fire Code criteria as to number of portable fire extinguishers.*

(b) *MINIMUM REQUIREMENT. - Subject to the provisions of this act, no municipality may propose or enact any ordinance which is less than the minimum requirement of the Uniform Construction Code. (Sandy to determine if a new L&I submittal will be required) in determining the minimum requirements. We probably do not since it was already determined and might just need to follow Section (h)*

(c) *MODIFICATION OF MINIMUM REQUIREMENT. - Subject to the provisions of this act, the municipal governing body may propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code under the law governing the adoption of ordinances in that jurisdiction. An ordinance under this subsection shall not be effective nor enforceable unless subsections (d), (e), (f), (g), (h), and (i) have been satisfied. Municipalities may enact ordinances pursuant to this section which adopt additional code requirements for alterations or repairs to residential buildings. Municipalities may enact ordinances pursuant to this section which adopt stricter code requirements than required by this act for the regulation of utility and miscellaneous use structures.*

(d) *PUBLIC HEARING. - The municipality shall hold at least one public hearing prior to adoption of the ordinance. (Proposed April 5, 2012)*

(e) *NOTICE OF PUBLIC HEARING. - The municipality shall place notice in a newspaper of general circulation in the municipality at least seven days, but not more than 60 days, in advance of a public hearing to consider the proposed ordinance.*

(f) *FILING OF PROPOSED NOTICE AND ORDINANCE WITH DEPARTMENT. - The municipality shall provide notice and file a copy of the proposed ordinance with the department at least 30 days prior to public hearing. The notice shall contain the time and place of the public hearing and a summary of the changes proposed by the ordinance, including code sections affected by the changes. The department shall make proposed ordinances available for public inspection and shall post the notice on its internet website within seven business days after receipt. (Township will sent Public Hearing Notice (On or before March 5, 2012)*

(g) *MUNICIPAL ACTION. - Following the public hearing, the municipal governing body may enact the ordinance under the law governing the adoption of ordinance in that jurisdiction. (April 5, 2012 BOC Meeting)*

(h) *AMENDMENT OF PROPOSED ORDINANCE. - If the municipality proposes any substantive amendment to a proposed ordinance, the municipal governing body shall be required to meet the advertising, filing, notice and public hearing requirements of this section before enacting the proposed ordinance.*

(i) *DEPARTMENT REVIEW. - The department shall review all proposed ordinances required to be filed with the department under subsection (f) for compliance with subsection (b). (L&I letter dated in 2011 may still be valid and we do not need a new letter) If the proposed ordinance does not comply with subsection (b), the department shall advise the municipality of its findings, setting forth the reasons in writing. The municipality shall then withdraw the proposed ordinance or revise the proposed ordinance to meet the minimum requirements of the Uniform Construction Code.*

(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.

Motion by Commissioner Martucci, seconded by Commissioner Seagreaves, to approve the first reading of Ordinance 02-2012-___ amending the Lock Box Ordinance as presented and authorize the scheduling of the Public Hearing notice.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

OLD BUSINESS

COURTESY OF THE FLOOR

Ms. Joann Dove of 1127 Lehigh Avenue requested “No Parking” signs be placed on the east sides of Lehigh Avenue and Byfield Street. She presented a petition from her neighbors in agreement. Ms. Dove cited certain safety concerns for the action, such as the inability for Fire, Police and Ambulance vehicles to get through the street. Ms. Dove also expressed concerns about the parking of unregistered vehicles in the street.

Chief Stiles stated that he would like to do a comprehensive parking study of the entire Township, beginning on the east side, and come up with a plan to target all of the areas where there are issues. He stated that he could then come before the Board with the Department’s recommendations, give all the residents of the area an opportunity to comment at that time, and

then pass the amendment to the Parking and Traffic Ordinance at one time. Chief Stiles believes the study could be completed in nine to twelve months.

Mr. Soriano commented that the Department should explore both of the issues of no parking zones as well as the regulation of parking unregistered vehicles on the street.

Mr. Joshua Wells, Fire Chief of Western Salisbury Fire Department, announced that by doing a comprehensive overview of WSFD's insurance policy, they will save \$1,000 this year on their rates. He also invited the Board to tour their facility.

Commissioner Brinton stated that she spoke with Mr. Frank Adamcik in regards to the custodial fees that the Salisbury Youth Association accrues from the School District for the use of their facilities. A short discussion ensued about the Township's role in the negotiating those fees. It was the consensus of the Board that because the contract is between the SYA and the School District, it would be up to the SYA to re-negotiate those fees.

Chief Stiles announced that the Police Department has received a Grant through PennDOT to station officers in the area of the high school to enforce the new seatbelt law and the new regulation on the number of people allowed in a vehicle operated by a junior driver. He also announced that based on the results of a recent PennDOT survey, Salisbury students have the highest seatbelt usage rate of students across Pennsylvania. He commented that average student seatbelt compliance across the state is around 30% but Salisbury students came in at 90%.

ADJOURNMENT

Commissioner Seagreaves made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 8:55 p.m.