

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
APRIL 12, 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 – EXCUSED
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

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to approve list of Bills Payables for the period 3/17/2012 through 4/06/2012, broken down as follows: General Fund - \$49,404.46; Fire Fund - \$3,907.41; Water Fund - \$2,583.80; Sewer Fund - \$3,340.09; Refuse & Recycling Fund - \$123,210.61; Highway Fund - \$275.66. Total of all Funds - \$182,722.03.

Roll Call:

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

The Motion passed by 5-0

MINUTES

March 22, 2012

Commissioner Brown declared the March 23, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

PUBLIC HEARING

Public Hearing on the proposed amendment of the Lock Box Ordinance.

Mr. Soriano stated that the Labor and Industry has published the Notice of a Public Hearing on their website for the revisions to the Lock Box Ordinance, which clears the way for the Board to conduct a Public Hearing and adopt the amended Ordinance at the meeting on April 26, 2012.

Commissioner Brown opened the floor for public comments. No comments were presented. Commissioner Brown closed the Public Hearing.

ORDINANCES

None

RESOLUTIONS

Recognition of Volunteers.

Mr. Soriano stated that to date, the Township has received five nominations for honoring the Volunteers at the April 19, 2011 recognition dinner. He noted that invitations have gone out to the respective honorees and the Board will need to decide the manner of the presentation. Mr. Soriano commented that in the past, each Commissioner presented a Resolution to one of the volunteers. The following volunteers are being honored:

- Chad Ekdahl (WSFD Lieutenant) (nominated by Commissioner Brown)
- Chris Trengre (SYA) nominated by Frank Adamcik
- Jeff Rothrock (SYA) nominated by Frank Adamcik
- Samuel Darrohn (HPAA) nominated by Frank McCullough
- Mark Wilson (HPAA) nominated by Frank McCullough

RESOLUTIONS NOS. 04-2012-(1410-1414)

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, TO RECOGNIZE CHAD EK-DAHL FOR HIS VOLUNTEER WORK AND EFFORTS FOR THE RESIDENTS OF THE TOWNSHIP OF SALISBURY.

WHEREAS, the Township of Salisbury relies on volunteers to assist our community in a variety of ways; and

WHEREAS, the Township of Salisbury Board of Commissioners recognize that the efforts of our community's volunteers are critical to the community's well-being and quality of life; and

*WHEREAS, the Township of Salisbury Board of Commissioners hereby applaud and extend the highest level of appreciation and gratitude to **Chad Ekdahl (WSFD); Chris Trengre (SYA); Jeff Rothrock (SYA); Samuel Darrohn(HPAA); Mark Wilson (HPAA);** for their selfless volunteer efforts and sacrifice in serving our community.*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania that **Chad Ek-Dahl(WSFD); Chris Trengre (SYA); Jeff Rothrock (SYA); Samuel Darrohn(HPAA); Mark Wilson (HPAA)** are hereby acknowledged for their volunteer efforts as nominated by peers of our community for his outstanding dedication of volunteer work for the residents of the Township of Salisbury.*

APPROVED AND ADOPTED this 12th day of April, 2012 at a regular public meeting.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: _____

Attest: _____
Randy Soriano, Secretary

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to recognize the Volunteers listed in the Resolution(s) to be honored on April 19, 2012 at the Volunteer Recognition dinner.

Roll Call:

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

The Motion passed by 5-0

MOTIONS

Consideration of a well isolation exemption request for the installation of a new on-lot septic system at 202 Mountain Park Road.

Mr. Soriano introduced Mr. Burda, whom by a letter dated March 28, 2012, filed a request for a well exemption. Mr. Soriano explained that Mr. Burda is served by an on-lot sewage system which has malfunctioned, and he intends to construct a new on-lot sewage system, but has insufficient width or lot area to meet the 100 foot distance from the existing well. Therefore, under Chapter 72.33 of Title 25 of the Pennsylvania Code (The PA Sewage Facilities Act), he can request that the governing body entertain the request for an exemption to construct the new sewage system closer than the allowed 100-foot setback distance required from an existing well.

Mr. Soriano stated that as in prior cases, the Board, if such exemption has been granted, has required the property owner to sign Indemnification and Restrictive Covenant Agreements prepared by our Solicitor. He noted that Mr. Scott Bieber, the new Sewage Enforcement Officer, has provided his recommendation to the Board.

Mr. Burda stated that his current well is 70 feet away from his septic system and it is failing. He stated that he is looking for an exemption to move the new septic drain field approximately 70-100 feet away. He presented a map detailing the proposed location.

Attorney Ashley suggested that Mr. Burda request a 30-foot variance in case he would need the maximum length.

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to grant a 30-foot variance well isolation request from the 100-foot setback required by the PA Sewage Facility Act for an on-lot sewage system to be installed by Mr. Jason Burda, 202 Mountain

Park Road, contingent on the owner entering into a Hold Harmless and Restrictive Covenant Agreement with the Township.

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 reject the bid submitted by Campbell Supply Company of Pennsylvania, Muncy, PA in the amount of \$360,845.00.

Mr. Soriano announced that the Township received one bid for the purchase of a new pumper fire truck for the Eastern Salisbury Fire Department. He stated that the sole bid was submitted by Campbell Supply Company of Pennsylvania, Muncy, PA in the amount of \$360,845.00. Mr. Soriano noted that the bid was accompanied by a Bid Bond in the amount of \$20,000. Mr. Soriano noted that the Fire Truck Committee met with the ESFD and concluded that the bid should be rejected and explore quotations through COSTARS Contract 13 and invite three vendors to meet with the ESFD and be allowed to submit quotations.

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to reject a bid submitted by Campbell Supply Company of Pennsylvania, Muncy, PA in the amount of \$360,845.00.

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

PRIVILEGE OF THE FLOOR

Commissioner Ackerman expressed concerns about not knowing how much Earned Income Tax the Township could lose through Allentown's Neighborhood Improvement Zone. She suggested the Township join the NIZ lawsuit filed by Hanover and Lower Saucon Townships. Mr. Soriano explained that whether one municipality sues or twenty join, the decision would still reach out to all the municipalities. Mr. Soriano noted that he has reviewed the EIT collections for the

Township for the 1st Quarter and it appears that the number is ahead of last year's collection by approximately \$10,000.

Ms. Jane Baker, a resident, questioned why no one from the Board has spoken to either the Mayor of Allentown or the State Representatives who are responsible for the NIZ law. Mr. Soriano commented that he has spoken to the State Representatives and believes that they did not know what they were voting for. Ms. Baker stated that she believes the officials know the EIT numbers or they would not have been able to get the funding. She commented that as elected officials, the Board members have a right to meet with the State Representatives and the Mayor of Allentown in order to get the EIT numbers. Ms. Baker then asked the Board to join the lawsuit.

Commissioner Ackerman made a motion to authorize the Solicitor to join in the NIZ lawsuit filed by Hanover Township and Lower Saucon Township. Commissioner Brinton seconded the Motion.

Commissioner Brinton inquired about the legal fees involved in joining the lawsuit. Attorney Ashley commented that it would be hard to know because there might be an hourly rate charged.

A discussion ensued about the legal fees involved in joining the lawsuit and the NIZ impact on the Township Budget.

Ms. Janet Keim, a resident, expressed concerns about the law setting a precedent for the taking of other taxes by other municipalities throughout the state.

It was the consensus of the Board that additional information is warranted in order to decide on this issue, and Mr. Soriano and Attorney Ashley will work on providing answers for the next Board meeting on April 26th. They will look at the cost of joining in the lawsuit and the figures of the NIZ impact on the Township. Mr. Soriano noted that the first will be relatively easy to obtain, but the second is at the crux of the issue and Allentown has indicated that real-time figures will be available in June of 2012 after Berkheimer has a chance to collect the 1st quarter of 2012. Mr. Soriano referred the Board to read the April 5, 2012 letter sent by Mayor Pawlowsky to the Tax Collection Committee on this subject matter.

Commissioner Brinton withdrew her second. The Motion failed.

Commissioner Brown indicated that the Board will convene in Executive Session to discuss a legal matter pertaining to status of pending lawsuits. Commissioner Brown stated that this will happen after the work session and the Board will recess thereafter.

ADJOURNMENT

Commissioner Martucci made a Motion to adjourn the Meeting. Seconded by Commissioner Brinton. The time was 10: 15 p.m.