

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
APRIL 26, 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-EXCUSED  
John Ashley, Esquire, Township Solicitor  
David Tettermer, representative of Township Engineer, Keystone Consulting Engineers  
Sandy Nicolo, Code Enforcement Officer

**NOTIFICATION**

Mr. Soriano informed the attendees that all sessions of the Salisbury Township Board of Commissioners regular meetings are electronically recorded for the purpose of taking the Minutes. All public comments on agenda items would be taken prior to the vote. All public comments related to non-agenda items will be taken after the agenda has been satisfied.

Mr. Soriano announced that the Township records the meetings and archives its tapes and are available pursuant the Right-to-Know Law, if requested.

Mr. Soriano reminded everyone of the three minute rule and asked that everyone who wishes to speak to come to the podium, sign up, announce themselves, and speak clearly in the microphone. Mr. Soriano added that the speaker has a choice not to list his/her address; however, it is preferred that the speaker announce if he or she is a Township resident. He noted that if a resident does not divulge his or her address, it will impair the Township with administrative follow ups on a particular issue.

### **APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLES**

**Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to accept the unaudited February and March 2012 Financial Statements and approve list of Bills Payables for the period 4/07/2012 through 4/20/2012, broken down as follows: General Fund - \$111,246.28; Fire Fund - \$6,629.35; Library Fund - \$272.73; Water Fund - \$11,017.63; Sewer Fund - \$8,340.04; Refuse & Recycling Fund - \$0; Highway Fund - \$10,824.82. Total of all Funds - \$148,330.85.**

**Roll Call:**

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

**The Motion passed by 5-0**

### **MINUTES**

#### **April 12, 2012**

Commissioner Brown declared the April 12, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

### **NEW BUSINESS**

#### **MOTIONS**

#### **Motion to consider whether join the NIZ lawsuit filed against the COA by Hanover Township.**

Mr. Soriano stated that he has obtained costs associated with the lawsuit and made available to the Board a copy of the lawsuit filed by Hanover Township and Bethlehem Township. Mr. Soriano noted that the Petitioners' argument is a constitutional one. Mr. Soriano commented that Attorney Ashley

can provide some legal guidance on how the lawsuit will apply, with or without joining, to all municipalities. Mr. Soriano provided the Board with a fee schedule of costs that the Petitioners have developed to assess others wishing to join in the lawsuit. This is based on population (Email from John Finningan, Hanover Township Manager received on April 13, 2012) as follows:

*There are two ways to Intervene. One is to join Hanover & Bethlehem Townships and pay the fee schedule below. The other option is to have Salisbury Township's Solicitor handle the matter himself. I would suggest that Attorney Ashley contact Attorney Preston, our Solicitor to discuss your option. The deadline is April 27, 2012 for intervening.*

*The fee schedule is:*

***NIZ Legal Fee Contribution***

<i>Municipalities:</i>	<i>10,000 + Residents</i>	<i>\$10,000</i>
	<i>5,001 - 9,999 Residents</i>	<i>\$5,000</i>
	<i>5,000 &amp; Under</i>	<i>\$2,500</i>

*School Districts: \$10,000*

*Fund will be returned proportionally at the end once all bills are paid.  
There is not an "opt out" option.*

Mr. Soriano also stated that he and two other Commissioners have spoken to both Senator Pat Browne and Mayor Ed Pawlowski to discuss the NIZ. Mr. Soriano asked that the Board recess into Executive Session to discuss the legal implications associated with joining the lawsuit.

**Commissioner Brown called the Executive Session at 7:08 p.m.**

**The Board reconvened to deliberate at 7:32 p.m.**

Commissioner Brown asked for a motion.

Commissioner Ackerman commented that she met with Senator Browne and Mayor Pawlowski and stated that all of her questions have been answered and it is her opinion that it would not serve the Township to join the lawsuit.

Commissioner Brown stated that he also met with Senator Browne and spoke with Mayor Pawloski and he feels confident that the Township's EIT money will be returned, and believes the downtown improvement will benefit the Township.

Commissioner Martucci stated that he will be abstaining from the vote because his construction company has done and will do work for the parties involved.

Mr. Kevin Loff of 319 Durham Street in Hellertown, PA, stated the project will create a lot of work for union and non-union personnel and hopes that the issue can be resolved quickly in order to create those jobs.

**Commissioner Seagreaves made a motion to NOT join in the NIZ lawsuit filed by Hanover Township and Lower Saucon Township. Commissioner Brinton seconded the Motion.**

**Roll Call:**

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

**The Motion passed by 4-0 with Commissioner Martucci abstaining**

Mr. Soriano commended the Board for their close consideration of this matter.

**Street Tree Appeal - Bruce and Cynthia Schmauch - 931 Bridle Path Road.**

Mr. Soriano noted that in accordance with the Township Shade Tree Ordinance, the applicant may appeal the decision of the Shade Tree Code Official to the Commissioners. He stated that in this instance, the property owner is requesting a variance from the requirement to replace a tree that was taken down. The Appeal is pursuant to Section IX of Ordinance 506.

Mr. Schmauch was present to address the Board. He stated that the original tree was damaged during the October snow storm and had to be removed in December. Mr. Schmauch stated that the utility companies marked their lines before grinding out the old stump and replacing the tree, and it was determined that two PPL lines, a Verizon line and a UGI line run directly through the stump. Mr. Schumach stated that for this reason, it is impossible to grind out the stump and replace it with a new tree.

Mr. Nicolo, Township Shade Tree Code Official, stated that he would like to get the opinion of the Township Engineer because developments with shade trees were designed with the utilities underground. Mr. Tettemer stated that some of the utilities could have been put in after the street trees were planted and recommended not putting a street tree in an area where it would create a problem for a utility company. He recommended that the Board request the homeowner to replace the tree and replant on his property as opposed to in the right-of-way.

Mr. Soriano commented that he does not believe the Board can make the homeowner plant a tree on his private property since the Ordinance regulates public trees in a public right-of-way.

**Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to GRANT a Waiver to replant a tree in front of 931 Bridle Path Road due to various utilities constraints.**

**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 consider joining the Lehigh County MERT Program.**

Mr. Soriano commented that District Attorney (DA) James Martin made a presentation to the Board at the last work session on the MERT Program. He stated that some of the issues that the Board needs to focus on are the cost that will be attributable to joining this program (Chief Stiles delineated some exposure on this to be \$10,000), and the language of the Agreement and liability issues associated with this program. Mr. Soriano noted that Attorney Ashley will provide his review on the Agreement, especially on one section that requires Salisbury Township to hold harmless all other signatories and Lehigh County MERT. Mr. Soriano stated that the Insurance Company noted that they would honor whatever exposure would be associated; however, they would prefer that the County modify the Agreement to address the Hold Harmless clause or adding the “sole negligence requirement” as part of the Indemnification Agreement. Mr. Soriano noted the insurance company would also like to see Salisbury Township added as an Additional Insured on the County’s policy, if possible.

Attorney Ashley commented that he has some reservations concerning the language in the Agreement and he has communicated with District Attorney Martin on that matter. Attorney Ashley noted that he is still reviewing and has yet to finalize a recommendation for the Board to consider.

Mr. Soriano noted that the Board should also take into consideration the lack of appropriations in the 2012 Budget for this endeavor, which was adopted without the intention of joining MERT. Chief Stiles has commented on the costs and what he could live with this year.

Commissioner Brinton questioned where the money would come from if the Board decided to join the team at this time. Mr. Soriano stated that the Board would have to pull from other places in the Budget in order to fund the participation.

Commissioner Brown stated that he is in favor of participating with the program, but expressed concerns about joining at this time because of the Budget. He commented that he would like to enter the program in January of 2013 and put the money aside in the 2013 Budget to make certain the Township can fund its involvement.

Commissioner Martucci agreed with Commissioner Brown.

**Motion by Commissioner Seagreaves, seconded by Commissioner Ackerman, NOT to join the Lehigh County MERT Team at this time, but to address the issue during the 2013 Budget deliberations.**

**Roll Call:**

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

**The Motion passed by 5-0**

**ORDINANCES**

**Adoption of the Lock Box Ordinance Amendment.**

Mr. Soriano stated that the Board held a Public Hearing as required by the UCC on April 12, 2012. He noted that the Ordinance was advertised as required by the Township Code and posted on the Labor and Industry website in accordance with the requirements of the UCC. Mr. Soriano commented that Attorney Ashley also transmitted a copy of the Ordinance to the PA Builders Association who brought the challenge to the previous Ordinance on behalf of Anthony Builders.

**SALISBURY TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 04-2012-576**

**AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 07-2011-568 AND THE UNIFORM CONSTRUCTION CODE, ORDINANCE NO. 03-2004-512, TO ESTABLISH REGULATIONS AND REQUIREMENTS UPON MULTI-FAMILY DWELLINGS, COMMERCIAL AND INDUSTRIAL PROPERTIES REQUIRING PROPERTY OWNERS TO INSTALL A KEY LOCK BOX SYSTEM**

*WHEREAS, local fire companies have experienced trouble, at times, accessing and entering commercial and industrial properties; and*

*WHEREAS, this lack of access delays response times by emergency personnel;*  
*and*

*WHEREAS, this lack of access poses a clear threat to the public's health, safety, and welfare; and*

*WHEREAS, the Township's Fire Chiefs recommend the establishment of regulations concerning the installation of key lock box systems on commercial and industrial properties to facilitate access to these properties; and*

*WHEREAS, the Board of Commissioners find that it is in the best interests of the Township to require the installation of key lock box systems on commercial and industrial properties through the Township; and*

*WHEREAS, the Township, by Ordinance No. 03-2004-512 (enacted March 3, 2004), enacted the Pennsylvania Uniform Construction Code, Act 45 of 1999; and*

*WHEREAS, certain issues raised by various builders have arisen with regard to the applicability of Ordinance 07-2011-568; and*

**WHEREAS**, the parties are desirous of settling the dispute by clarifying the applicability of Ordinance 07-2011-568; and

**WHEREAS**, the Township of Salisbury wishes to amend the Uniform Construction Code to establish regulations to require property owners to install a key lock box system upon all commercial and industrial buildings.

**NOW, THEREFORE**, it is hereby ENACTED and ORDAINED by the Board of Commissioners of Salisbury Township, as follows:

Ordinance Nos. 03-2004-512 and 07-2011-568 and the Salisbury Township Code of Ordinances, Part 5, Uniform Construction Code, are hereby amended and revised by the following:

**Section 501(2)(A). Key Lock Box Systems.**

**I. Purpose and Intent.**

The purpose and intent of this Ordinance is to ensure that when fire breaks out within a structure, firefighters are not blocked or delayed from combating the fire by locked doors or gates. To help reduce these types of delays, the Township has adopted this Ordinance establishing a key lock box system for certain structures or properties within the Township to provide firefighters access for these structures while still ensuring the privacy and security of the owners and occupants of such a structure. The Township shall adopt the specific system by separate Resolution which may be amended from time to time by the Township pursuant to this Ordinance.

**II. Definitions.**

**OWNER** – Any person or entity which owns, leases, manages, and/or is in control of a structure, building, facility or property.

**STRUCTURE** – Any building, facility or man-made object.

**III. Required Installation of Lock Box.**

- A. The Owner of the following types of structures or properties shall install and maintain a fire department rapid entry key lock box of a type specified by the Township:
  - 1. A structure regulated under the International Building Code, except all detached one-family and two-family dwellings and one-family townhouses that are not more than three (3) stories in height and their accessory structures.
  - 2. Multi-family residential structures regulated by the International Building Code of four (4) units or more, including senior apartment/condo complexes that have restricted access to the living units.
  - 3. Commercial and industrial structures and/or properties where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes.
- B. Owners of existing structures or properties which are subject to the requirements of this Ordinance shall have two (2) years from the effective date hereof to comply with the requirements. Persons or entities who construct structures and/or develop properties which would be subject to the requirements of this Ordinance shall comply with the requirements at the time of construction and/or development.
- C. Any structure or property having twenty-four (24) hour on-site security personnel who have full access to the entire structure or property may be exempt from the requirement of this Ordinance at the discretion of the Township Fire Chief(s) or Fire Inspector.

**IV. Installation.**

A. *Owners of structures or properties required to install a fire department rapid entry key lock box under this Ordinance shall install such a lock box in accordance with the following:*

1. *The Owner is responsible for ordering and installing the lock box.*

2. *Unless otherwise determined by the Township Fire Chief(s) or Fire Inspector, the lock box shall be installed on the front of the structure near the main entry door, on the right hand side, five (5') feet above the ground within ten (10') feet of entrance, unless approved at a higher or lower level by the Township Fire Chief(s) or Fire Inspector. The Fire Chief(s) or Fire Inspector may require the lock box be installed in a different location in some cases. The owner shall contact the Township Fire Chief(s) or Fire Inspector prior to mounting the lock box for approval of the proposed location of the lock box and shall allow the Fire Chief(s) or Fire Inspector to observe the installation of the lock box to ensure proper location and installation. The approved location for the installation of the lock box shall be at the complete discretion of the Fire Chief(s) or Fire Inspector.*

3. *The lock box shall meet or exceed the specifications of the Knox Box 3200 Series.*

B. *The lock box shall contain the key(s) for all exterior doors and gates, the keys for all interior doors and gates within the building, and the keys to all doors or panels which control access to shared systems (i.e. HVAC, alarm panels, sprinkler controls and electrical panels). Each key shall be clearly labeled and easily identifiable.*

**V. Access to Lock Box.**

A. *The Owner of any structure or property required to have a fire department rapid entry key lock box shall ensure that the fire department has completely unobstructed access to the lock box at all times.*

B. *The Owner of any structure or property required to have a fire department rapid entry key lock box or his/her/its agent shall be present whenever the fire department accesses the lock box of the Owner's structure or property except when the fire department has responded to an emergency at the structure or property.*

C. *The Township fire department(s) shall maintain a written record of when the key lock box access key(s) is accessed, removed or used for entry including the name of the individual removing the key(s), the time and date of the access and the reason for such removal.*

**VI. Rules and Regulations.**

*The Township may establish uniform rules and regulations governing all structures required to install a key lock box system with regards to the type, location, installation, use, maintenance, and replacement of fire department rapid entry key lock boxes within the Township, including, but not limited to, the specification of approved types of fire department rapid entry key lock boxes.*

**VII. Updating Keys and Information.**

A. *The Owner of any structure of property required to have a fire department rapid entry key lock box shall ensure that the keys contained within the lock box are up-to-date and provide access to all required areas within the structure or property. Whenever a lock is changed or new doors, gates, or panels are installed within a structure or property, the Owner shall immediately notify the Township's Building Code Official to coordinate the placement of items within the lock box.*

B. *The Owner of any structure or property required to have a fire department rapid entry key lock box shall provide the Fire Chief(s) or Fire Inspector with up-to-date contact information that includes the Owner's name; addresses; and facsimile, telephone, mobile*



phone, and pager numbers. Any change in this information must be provided in writing to the Township Fire Chief(s) or Fire Inspector at least forty-eight (48) hours in advance of the change occurring, along with the date such change will take place.

**VIII. Limitation of Liability.**

- A. The Township incorporates the immunity and regulations set forth in the Political Subdivision Tort Claims Act, 42 Pa.C.S.A. §8541 et seq.

**IX. Violations and penalties.**

Pursuant to 35 P.S. §7210.903 of the PA Uniform Construction Code, as adopted, any individual, firm or corporation that violates any provision of this Ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs. Each day that a violation of this Ordinance continues shall be considered a separate violation.

**X. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**XI. Severability.**

If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**XII. Effective Date.**

This Ordinance shall become effective thirty-five (35) days after enactment or upon recordation of the Ordinance within the Township's official Ordinance Book, whichever comes later.

**ENACTED and ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**SALISBURY TOWNSHIP  
BOARD OF**

**COMMISSIONERS**

James A. Brown, President  
Board of Commissioners

**ATTEST:**

\_\_\_\_\_  
Randy Soriano, Secretary

**Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to amend the UCC and adopt Ordinance 04-2012-576 to add regulations requiring the installation of lock boxes for multifamily dwellings, commercial and industrial properties in 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**

**Consideration of adoption of Ordinance 04-2012-577 - Cable Franchise Agreement - RCN.**

Mr. Soriano commented that last December, the Board tabled this Ordinance due to RCN questioning the need to insert a performance bonding clause in their Agreement. He stated that after months of negotiations, they have agreed to that clause. Mr. Soriano noted that this clause (Section 276-Performance Bond) will only affect them if new build construction will take place; therefore, the Ordinance was duly advertised for the Board to take formal action.

***ORDINANCE NO. 04-2012-577***

***BY THE BOARD OF COMMISSIONERS OF SALISBURY TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13, PART 2, ENTITLED “CABLE TELEVISION FRANCHISE” AND GRANTING A CABLE FRANCHISE SERVICE TO RCN***

***Cable Television Franchise***

***WHEREAS, on or about May 8, 1980, the Salisbury Township Board of Commissioners granted a cable franchise to Twin County Trans Video, Inc. (now RCN Telecom Services (Lehigh) LLC) by Ordinance No. 222; and***

***WHEREAS, said cable franchise was subsequently renewed thereafter; and***

***WHEREAS, with the number of cable television service company mergers, purchases, name changes and related franchises, the Board of Commissioners hereby recognizes the need to enact an ordinance regarding the operation of a cable communication system, to provide for the payment of certain fees, to provide the regulation and use of said system, to provide for and grant franchises, and to provide for the penalties for the violations in the conduct or operation thereof; and***

***WHEREAS, the Township of Salisbury deems it advisable and in the best interest of its citizens to enact an Ordinance, pursuant to the authority of the First Class Township Code of the Commonwealth of Pennsylvania and the Communications Act of 1934, as amended, that prescribes the requirements of granting a franchise, the obligations of the cable service company granted the franchise, and to regulate the cable service company’s operations of its cable communications business within the Township of Salisbury.***

***NOW, THEREFORE, BE IT ORDAINED AND ENACTED, this 26<sup>th</sup> day of April, 2012, and it is hereby ordained and enacted by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania that Chapter 13, Part 2 entitled “Cable Television Franchise” of the Salisbury Township Code of Ordinances shall be amended in its entirety as follows to wit:***

***(TEXT OF SECTION 276)***

***§276. Performance Bond.***

1. *A new operator shall submit and shall maintain for at least three (3) consecutive years of the agreement a performance bond for the benefit of Salisbury Township with a surety company authorized to transact business in Pennsylvania and satisfactory to Salisbury Township to guarantee the following terms:*
  - A. *The satisfactory completion of the installation and operation of the cable system in the time schedule provided herein and otherwise.*
  - B. *The satisfactory restoration of pavements, sidewalks and other improvements.*
  - C. *The indemnity of Salisbury Township.*
  - D. *The satisfactory removal or other disposition of the cable system.*
2. *During the period of rebuild construction, this bond shall be in the amount of three hundred thousand dollars (\$300,000.00).*
3. *Upon completion of rebuild construction and following a reasonable period of satisfactory operation, as determined by Salisbury Township and operator, the amount of the bond shall be reduced to one hundred thousand dollars (\$100,000.00).*
4. *This requirement may be waived once the operator has fulfilled at least three (3) consecutive years of business experience in the Township satisfactory to the Township. The amount of the said bond shall not be reduced or canceled or materially changed from the provisions of this subsection herein without providing Salisbury Township with thirty (30) days prior written notice of reducing or canceling the bond and without Salisbury Township's express written permission. If a franchise is sold to a company without three (3) consecutive business years of experience with the Township of Salisbury, the new owner must furnish this bond at least for a three (3) year period.*

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve and adopt Ordinance 04-2012-577, a revised Cable Franchise Agreement for RCN.**

**Roll Call:**

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

**The Motion passed by 5-0**

**Consideration of Ordinance No. 04-2012-578 for amending the 2012 Budget by appropriating and transferring additional sums for specific purposes.**

Mr. Soriano commented that because some projects were not completed last year and needed to be carried over, the Township was unable to encumber the money that was budgeted and did not spent on the project. The Patricia Drive Pumping Station Project, a project that was funded by the Sewer Fund (\$285,000), needs to be shown in the 2012 Budget. Therefore, the Auditor has directed that the Township amend the Sewer Budget to include this project in 2012. He noted that unlike the General Fund, Proprietary Funds cannot be encumbered.

Mr. Soriano commented that Ms. Bonaskiewich, Asst. Mgr. /Finance Director, has prepared a list of line items and corresponding funds that will be impacted. He stated that the Revenue source for these expenses comes from unspent sewer fund balance reserves and General Fund reserves.

Mr. Soriano added that since the Refuse and Recycling Fund is now tracked separately, the Township is reallocating some administrative expenses to that fund. He stated that the Township inadvertently did not do so in the 2012 Budget, which means that the General Fund will realize some savings (\$5,000) because costs are now distributed to another Fund, in addition to the Water and Sewer Fund.

Mr. Soriano noted that a Grant was received from the DCNR (\$22,400) for the development of the Lindberg Park Master Site Plan and needs to be shown in the 2012 General Fund Budget, along with the corresponding Consultant expenses for the work (\$44,800). He stated that the net increase in General Fund expenses is \$17,400.

**ORDINANCE NO. 04-2012-578**

***AN ORDINANCE OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROPRIATING AND TRANSFERRING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT DURING THE 2012 FISCAL YEAR.***

*WHEREAS, the Salisbury Township Board of Commissioners enacted the 2012 Budget which did not include the necessary funds to undertake certain projects; and*

*WHEREAS, certain sewer projects that were started in 2011 ran into some unforeseen delays and had to be carried over into the 2012 Budget; and*

*WHEREAS, the Township has received certain grants which were not shown in the adopted 2012 Budget and funding from such grants will be used to complete a master site development plan for Lindberg Park; and*

*WHEREAS, the Township desires to reallocate certain expenses to the Refuse and Recycling Fund to better track administrative costs associated with that Fund.*

***NOW THEREFORE, BE IT ORDAINED** that the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania does hereby make the following appropriations and transfers in order to accomplish and complete several projects, as follows:*

2012 BUDGET REVISIONS:		Original	Revised			
G/L Acct #	Acct Title	Budget	Budget	Notation		
<b>GENERAL FUND</b>						
01-354.140	DCNR Grant(s)	-	22,400	Grant award for Lindberg Park Master Site Plan (50% of cost=\$22,400).		
01-407.319	Computer Programming & Maintenance	12,700	7,700	Tr'd percentage of cost to Refuse & Recycling Fund acct #10-407.261.		
01-451.312	Consulting Services (URDC/Lindberg Park Site Plan)	-	44,800	URDC work on the Lindberg Park Master Site Plan (100%).		
<b>TOTAL CHANGE: Expenditures exceed Revenues</b>						
<b>REFUSE &amp; RECYCLING FUND</b>						
10-407.261	Computer Equipment	-	5,000	Transferred percentage of cost from General Fund acct #01-407.319.		
<b>TOTAL CHANGE: Expenditures increase</b>						-
<b>SEWER FUND</b>						
08-429.601	Patricia Drive Pump Station	-	285,000	Project budgeted & expected to be completed in calendar year 2011; 'balance to finish' too large to encumber funds in year 2011. Must amend 2012 Budget.		-
<b>TOTAL CHANGE: Expenditures increase</b>						-
<b>Change to Total Fund Budget amounts:</b>		<b>Funds</b>				
		<b>General</b>	<b>Ref &amp; Rec</b>	<b>Sewer</b>		
	Original Budget Amount - Revenues	5,702,800	1,689,000	1,689,000		
	Adjustments made above	22,400	-	-		
	Revised Total Fund Budget - Revenues	5,725,200	1,689,000	1,689,000		
	Original Budget Amount - Expenses	6,115,598	1,791,200	2,245,900		
	Adjustments made above	39,800	5,000	285,000		
	Revised Total Fund Budget - Revenues	6,155,398	1,796,200	2,530,900		

*ENACTED into an Ordinance this 26th day of April, 2012.*

**TOWNSHIP OF SALISBURY**

*(Lehigh County, Pennsylvania)*

By: \_\_\_\_\_  
President, Board of Commissioners

Attest:

\_\_\_\_\_  
Secretary

**Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to adopt Ordinance No. 04-2012-578 for amending the 2012 Budgets by appropriating and transferring additional sums for specific purposes.**

**Roll Call:**

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

**The Motion passed by 5-0**

**RESOLUTIONS**

**Consideration of Resolution No. 04-2012 to establish new Zoning fees.**

*RESOLUTION NO. 04-2012-*

***BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, UPDATING PERMIT FEES LISTED IN CHAPTER 1, PART 12 OF THE SALISBURY TOWNSHIP CODIFIED ORDINANCE.***

*WHEREAS, Chapter 1, Part 12 of the Administrative and Government Section of the Salisbury Township Codified Ordinances lists a complete Schedule of Fees; and*

*WHEREAS, the proposed zoning fees are intended to be reflective of the actual costs to Salisbury Township to provide reviews, inspections, and services.*

*NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the Fee Schedule located in Chapter 1, Part 12 of the Salisbury Township Codified Ordinances shall be revised as follows:*

<b>Permit Type</b>	<b><u>NEW FEES</u></b>
<b>Zoning Permit - residential</b>	\$35.00
Home Occupation (light )	\$50.00
Home Occupation(Special Exception)	\$50.00 plus SE fee
Plan Revisions	\$30.00/submittal
Zoning ordinance w/map	Actual cost
Zoning map	Actual cost
Application for Rezoning	\$2,500 plus \$1,000 Escrow
Special Exception (SE) Non residential	\$750.00
Special Exception (SE) Owner-Occupied (O/O) Residential	\$500.00

<i>Special Exception Other than O/O residential</i>	<i>\$500.00</i>
<i>Variance Residential (non O/O)</i>	<i>\$500.00</i>
<i>Variance O/O Residential</i>	<i>\$500.00</i>
<i>Variance Non Residential</i>	<i>\$750.00</i>
<i>Conditional Use (Resident/Comm)</i>	<i>\$900</i>
<i>Continuance of Zoning Hearing by applicant</i>	<i>\$200.00 per addtl hearing</i>
<i>Curative Amendment</i>	<i>\$1,000 + \$1500 Escrow</i>
<i>Petition Rezone/Amend ZO</i>	<i>\$1,000 + \$1500 Escrow</i>
<i>Original stenographic record of Hearing- if required by Board cost to Township; otherwise cost paid by person requesting transcript (MPC Sec 908 Para 7)</i>	<i>Actual cost of transcript</i>
<i>Challenge Validity of Zoning Ordinance or Zoning Officer Determination</i>	<i>\$750 + 1,000 Escrow</i>
<i>Withdrawal of Appeal to ZHB</i>	<i>1.) withdrawal 26 days prior to date of ZHB Hearing reimburse at 100%; 2.) withdrawal 18 days prior to the ZHB Hearing, refund of 25% of appeal fee</i>
<i>Grading Permit SFH/other driveways</i>	<i>\$150.00 + \$1000 Escrow</i>

Small project Tree Removal Permit	\$15.00 admin fee
Timber Harvesting Permit	\$750.00 plus escrow \$500.00
FLOODPLAIN ADMINISTRATION	\$2,500 Escrow fee along w/Twp Eng designated hourly fee as required

*APPROVED AND ADOPTED this 26th day of April, 2012 at a regular public meeting.  
**TOWNSHIP OF SALISBURY**  
(Lehigh County, Pennsylvania)*

\_\_\_\_\_  
James A. Brown  
President, Board of Commissioners

Attest:

\_\_\_\_\_  
Randy Soriano, Secretary

Commissioners Martucci and Brown commended Ms. Sopka for developing the new fee schedule. Mr. Nicolo stated that the Planning and Zoning Department did comparisons with other municipalities to create the fees.

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve the Resolution establishing the revised Zoning fee schedule.**

**Roll Call:**

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

**The Motion passed by 5-0**

**Consideration of a Resolution(s) to accept the three retirements as requested by the following employees in the Public Works Department.**



Mr. Soriano commented that three Public Works employees have sent letters of resignation due to retirement. They are:

**DENNIS C. WIRTH (Mechanic)**

Date of Hire: 03/16/67

Date of Retirement: 05/01/12

**Time of Service: 45 Years, 1-1/2 Months**

**ROBERT (DEAN) DREY (Crew Leader)**

Date of Hire: 04/04/74

Date of Retirement: 05/10/12

**Time of Service: 38 Years, 1 Month**

**FRANK C. YOUNG (Equipment Operator)**

Date of Hire: 03/24/97

Date of Retirement: 05/01/12

**Time of Service: 15 Years, 1 Month**

**RESOLUTION NO. 04-2012-1415**

**BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE RETIREMENT BENEFITS FOR ROBERT D. DREY**

*WHEREAS, the Board of Commissioners ("Board") adopted a Non-Uniformed Pension Plan through the Pennsylvania Municipal Retirement System ("PMRS" Plan) setting forth the retirement requirements and benefits governing Township Public Works Employees; and*

*WHEREAS, the Board has received a letter of retirement from Robert D. Drey; and*

*WHEREAS, PMRS will calculate the retirement benefits for Mr. Drey after the Board accepts his retirement.*

*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 for Robert D. Drey as calculated by the PMRS.*

*APPROVED AND ADOPTED this 26<sup>th</sup> day of April, 2012 at a regular public meeting.*

TOWNSHIP OF SALISBURY  
(Lehigh County, Pennsylvania)

---

President, Board of Commissioners

ATTESTED:

\_\_\_\_\_  
Township Secretary

**RESOLUTION NO. 04-2012-1417**

**BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY,  
LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE RETIREMENT  
BENEFITS FOR DENNIS C. WIRTH**

*WHEREAS, the Board of Commissioners ("Board") adopted a Non-Uniformed Pension Plan through the Pennsylvania Municipal Retirement System ("PMRS" Plan) setting forth the retirement requirements and benefits governing Township Public Works Employees; and*

*WHEREAS, the Board has received a letter of retirement from Dennis C. Wirth; and*

*WHEREAS, PMRS will calculate the retirement benefits for Mr. Wirth after the Board accepts his retirement.*

**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 for Dennis C. Wirth as calculated by the PMRS.

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of April, 2012 at a regular public meeting.

TOWNSHIP OF SALISBURY  
(Lehigh County, Pennsylvania)

\_\_\_\_\_  
President, Board of Commissioners

ATTESTED:

\_\_\_\_\_  
Township Secretary

**RESOLUTION NO. 04-2012-1416**

**BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY,  
LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE RETIREMENT  
BENEFITS FOR FRANK C. YOUNG**

*WHEREAS, the Board of Commissioners ("Board") adopted a Non-Uniformed Pension Plan through the Pennsylvania Municipal Retirement System*

("PMRS" Plan) setting forth the retirement requirements and benefits governing Township Public Works Employees; and

*WHEREAS*, the Board has received a letter of retirement from Frank C. Young; and

*WHEREAS*, PMRS will calculate the retirement benefits for Mr. Young after the Board accepts his retirement.

**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 for Frank C. Young as calculated by the PMRS.

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of April, 2012 at a regular public meeting.

TOWNSHIP OF SALISBURY  
(Lehigh County, Pennsylvania)

\_\_\_\_\_  
President, Board of Commissioners

ATTESTED:

\_\_\_\_\_  
Township Secretary

Mr. Andreas made a formal presentation of a plaque to Mr. Robert "Dean" Drey, who was in the audience attending the meeting. Mr. Andreas thanked Mr. Drey for his service, dedication and leadership as a crew leader for the Public Works Department.

The Board thanked the retirees for their years of service to the Township.

**Motion by Commissioner Martucci, seconded by Commissioner Brinton, to approve the three Resolutions accepting the retirement of Robert "Dean" Drey, Frank C. Young and Dennis C. Wirth, employees in the Public Works Department and thanking them for their many years of dedicated service.**

**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 Martucci asked for an update about the installation of the crosswalk at Emmaus Avenue and Seidersville Road. Mr. Andreas stated that he has not received a response from PennDOT, but will proceed with the project when he obtains the approval.

Chief Stiles noted that he provided the Board with his quarterly statistical update.

Commissioner Seagreaves commented that he spoke with Chief Stiles about the parking on Lehigh Avenue and Byfield Street. Chief Stiles stated that he has spoken to the resident and instructed her to call the Police Department as soon as there is a problem so it can be handled immediately.

### **ADJOURNMENT**

Commissioner Ackerman made a Motion to adjourn the Meeting. Seconded by Commissioner Seagreaves. The time was 8:37 p.m.