

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
MAY 24, 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-EXCUSED  
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  
Alessandro “Sandy” Nicolo- Code Enforcement /Tree Official

**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 questioned Invoice No. 2130 that was paid to Dave G. Knerr in the amount of \$4,287.50. Mr. Soriano noted that this was legal work in conjunction with police collective bargaining.

**Motion by Commissioner Ackerman, seconded by Commissioner Brinton, to approve the list of Bills Payables for the period 5/05/2012 through 05/18/2012, broken down as follows: General Fund - \$103,144.17; Fire Fund - \$1,665.93; Library Fund - \$40,779.50; Water Fund - \$88,780.97; Sewer Fund - \$12,597.20; Refuse & Recycling Fund - \$2,083.80; Highway Fund - \$10,964.53. Total of all Funds - \$260,016.10.**

**Roll Call:**

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

**The Motion passed by 4-0**

### **MINUTES**

#### **May 10, 2012**

Commissioner Brown declared the May 10, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

### **NEW BUSINESS**

### **ORDINANCES**

**None**

**RESOLUTIONS**

**Promulgation of New SEO Fees.**

Mr. Soriano noted that these new fees are necessary in order to bring them in line with the fees the new SEO, Scott Bieber, is charging the Township. Mr. Soriano noted that the costs are passed on to the users and it is a revenue-neutral exercise, whereby, the Township does not collect more than it spends.

**RESOLUTION NO. 05-2012-1420**

***BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING THE SEWAGE ENFORCEMENT FEES OF THE SCHEDULE OF FEES, CHAPTER 1, PART 12 OF THE SALISBURY TOWNSHIP CODIFIED ORDINANCE***

*WHEREAS, Chapter 1, Part 12 of the Salisbury Township Code of Ordinances lists a complete Schedule of Fees which includes fees relating to sewage enforcement services; and*

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

*NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the fees relating to sewage enforcement listed in Chapter 1, Part 12 of the Salisbury Township Codified Ordinances shall be amended and read as follows:*

**SEWERS- ON-LOT SEWER SYSTEMS**

<b>A. SOIL TESTING FEES</b>	
Evaluate soil probes, maximum three (3) per lot	\$200.00
Additional soil probes beyond three (3)	\$ 60.00 per hour
Perform six (6) hole perc test	\$400.00
Perc testing observed by Sewage Enforcement Officer (SEO)	\$ 60.00 per hour
<b>B. PERMIT AND INSPECTION FEES</b>	
Permit application and close out, new system *	\$200.00
Permit application and close out, new tank or tank repair *	\$150.00
Design review, issue permit, gravity system	\$100.00
Design review, issue permit, pressure system	\$150.00
Design review, issue permit, new tanks or tank repairs	\$ 50.00
Design review spray and drip systems	\$250.00
Two (2) inspections, mound or subsurface systems	\$160.00
One (1) inspection, in ground system	\$ 80.00
One (1) inspection, new tank or tank repair	\$ 80.00
Each additional inspection required	\$ 80.00
<b>C. OTHER FEES</b>	
Site consultation (Responsibility of Applicant)	\$ 60.00 per hour
Verify prior soil testing (Responsibility of Applicant)	\$120.00 per test
Other duties including meetings and planning module review	\$60.00 per hour
Well Isolation Waiver (Responsibility of Applicant)	\$60.00 per hour

Complaint Investigation and enforcement (Responsibility of Township)	\$60.00 per hour
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**D.**

**\*Administration fee of \$50.00 applied when applicable**

1. The Sewage Enforcement Officer is authorized to perform soil testing for sewage planning modules and to sign the false swearing statement in the module.
2. The Sewage Enforcement Officer shall provide the Township with a project summary upon completion.
3. The fee schedule applies to new and repaired septic systems.
4. All fees incurred which involve land development, require the assistance of the Township Engineer, or require additional services from the Sewage Enforcement Officer related to all On-Lot Sewage Disposal System activities shall be reimbursed one-hundred (100%) by the applicant or owner of the property.

**APPROVED AND ADOPTED** this 24th day of May, 2012 at a regular public meeting.

**TOWNSHIP OF SALISBURY**  
 (Lehigh County, Pennsylvania)

*James A. Brown*  
 President, Board of Commissioners

Attest:

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

**Motion by Commissioner Seagreaves, seconded by Commissioner Ackerman, to adopt Resolution 05-2012-1420 to promulgate new SEO fees.**

**Roll Call:**

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

**The Motion passed by 4-0**

**MOTIONS**

**CONDITIONAL USE HEARING**

**TNT Fireworks - 4003 Helton Drive - Florence, AL, 35630 - c /o Deborah Ivins, 120 Louise Lane, Bartonsville, PA 18321.**

Mr. Soriano noted that this is a request by TNT Fireworks to allow a temporary use of a Pole Tent in the parking lot of at 3145 Lehigh Street in order to conduct retail sales of sparklers and fireworks novelties. As in prior hearings, the Board will act as quasi-judicial body and therefore will allow the applicant to introduce the facts at the meeting. The Board will also consider as part of their decision, the review comments from the Planning Commission and others that the Board deems necessary (i.e. Fire Chief, Police Chief, etc.). Mr. Soriano noted that the requested use is on a property that is zoned C-3 Commercial Zone and said Use is permitted as a Conditional Use pursuant to section 807 C. Mr. Soriano turned over the Hearing to Attorney Ashley.

Ms. Deborah Ivins was present to testify. She stated that the tent will be in operation from approximately June 18<sup>th</sup>, 2012 through July 7<sup>th</sup>, 2012 and will be open daily from 9:00 a.m. to 10:00 p.m. Ms. Ivins commented that they will be selling sparklers and novelties that are legal in Pennsylvania. She requested that the Conditional Use be granted for a period of two years.

Chief Stiles stated that the Police Department had no problems at that location last year.

Ms. Sopka noted that the Planning Commission would like the Police Department and/or Fire Department to review the site and give information as to where the closest fire hydrant is located. She also noted that the Planning Commission recommends approval with the condition that the only devices sold will be limited to those that can be legally sold in Pennsylvania.

**Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to Grant the Conditional Use for a period of two years to TNT Fireworks 4003 Helton Drive - Florence, AL, 35630 - c /o Deborah Ivins, 120 Louise Lane, Bartonsville, PA 18321, with the condition that the only devices sold will be limited to those that could be legally sold to Pennsylvania residents and that seller agree to adhere to all Federal, State and Local regulations.**

**Roll Call:**

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

**The Motion passed by 4-0**

**Shade Tree Appeal Hearing – Dittbrenner, John & Annabelle - 909 College Lane.**

Mr. Soriano stated that the Board received a letter dated May 3, 2012 from Ms. Annabelle Dittbrenner appealing a decision of the Shade Tree Official. He commented that the Board must hear the evidence that will be presented and decide on the merit of the Appeal pursuant to

Section IX of the Shade Tree Ordinance No. 06-2010-506. He noted that since the Hearing is pursuant to the Local Agency Law, a stenographic record will be made in case the record must be transcribed should an appeal be taken of the Board decision. Mr. Soriano turned over the Hearing to Attorney Ashley.

Ms. Dittbrenner stated that she removed a deceased street tree on her property in June of 2011, and she was unaware that the Ordinance required her to replant. She requested to not have to replant the tree because there are five other trees on her property and she does not want the burden of taking care of another tree. Ms. Dittbrenner also noted that the roots of the previous tree had caused an upheaval of the sidewalk.

Commissioner Brown inquired if Ms. Dittbrenner's neighbors have shade trees in front of their homes. Ms. Dittbrenner stated that some of her neighbors do and some do not. Mr. Nicolo clarified that shade trees in the neighborhood are sporadic.

Commissioner Brinton asked Mr. Nicolo for his opinion if another shade tree would fit in that area or not. Mr. Nicolo commented that while the Ordinance states there needs to be a shade tree at that location, there could be a spatial problem.

**Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to GRANT the request from Annabelle Dittbrenner, 909 College Lane for a waiver to replant a shade tree.  
Roll Call:**

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

**The Motion passed by 4-0.**

**Motion to accept the Financial Statements and Auditors' Report as of and for the Year ended December 31, 2011.**

Mr. Soriano noted that at the last work session, the Board reviewed the 2011 Audited Financial Statements for the period ending December 31, 2011 with Todd Bushta, C.P.A. He stated that the Board must now act to accept the Audit so that it may be sent to the appropriate rating companies and made available for public consumption. Mr. Soriano commented that the Township website has a list dating back to 2008. It can be found at: [http://www.salisburytownship.org/departments\\_finance.shtml](http://www.salisburytownship.org/departments_finance.shtml).

**Motion by Commissioner Seagreaves, seconded by Commissioner Brinton, to accept the Financial Statements and Auditors' Report as of and for the Year ended December 31, 2011.**

**Roll Call:**

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

**The Motion passed by 4-0.**

**Patricia Drive Pumping Station Elimination Project - Change Order No. 1 - Reducing the scope of paving work under Contract A with RGC Development.**

Mr. Soriano noted that the Change Order is necessitated due to some underlying substandard structural conditions of the existing pavement base in the southbound lane of Lincoln Avenue between Washington Avenue and Glick Avenue. He commented that it amounts to approximately 1,290 sy of paving, with a cost reduction of \$10,320. Therefore the Contract with RGC Development will be reduced from \$287,954 to \$277,634.

**Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to approve Change Order No. 1 - Reducing the scope of paving work under Contract A with RGC Development from \$287,954 to \$277,634.**

**Roll Call:**

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

**The Motion passed by 4-0**

Commissioner Ackerman discussed sale of land that previously housed the Pumping Station. Mr. Soriano stated that eventually the selling of the property will be a possibility.

**OLD BUSINESS**

**PRIVILEGE OF THE FLOOR**

Mr. Jason Wright of 3367 Capital Street requested a street sign be placed at the intersection of Capital Street and Camp Street. Mr. Andreas stated that the Public Works Department will look at the area to see if it is appropriate.

Commissioner Seagreaves brought concern from a resident about high grass at the old Fire Station on Marlow Street. Mr. Soriano noted that Mr. Nicolo has already sent out a notice to the property owner.

Commissioner Seagreaves discussed letter from Ms. Joann Dove regarding the installation of “No Parking” signs on one side of Byfield Street. Chief Stiles stated that the Police Department is assessing all the streets in that area and once it is completed, they would like to have a public discussion in order to address the matter all at once, not one street at a time. He noted that they are going to try and resolve the issue, but not everyone will be happy.

After some discussion, the Board made the following Motion:

**Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to authorize the Township Manager to send a letter to the requestor and inform the property owner that the Board will not act on this request until a complete systematic study is undertaken by the Police Department with recommendations on Township-wide parking restrictions.**

**Roll Call:**

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

**The Motion passed by 4-0**

Commissioner Brinton provided the Board with information regarding the fees that the Salisbury Youth Association incurs from the School District for the use of their gyms. She stated that after doing some research, the SYA is charged a rate of \$40.67 per hour for custodial services, not for the use of the actual building. Commissioner Brinton noted that Mr. Adamcik spoke with KidsPeace for comparison rates, and found that they would charge SYA a fee of \$60 per hour for use of its facilities. She commented that the Allentown School District and Bethlehem Area School District charge about \$35-\$40 per hour for used of their facilities. The Board thanked Commissioner Brinton for her investigation into the matter.

Chief Stiles announced that Fire Chief Wells and Sergeant Sabo have committed to doing a safety inspection at TNT Fireworks when it opens.

Mr. Soriano thanked Chief Stiles and Sergeant Sabo for taking the time to certify the staff in First Aid and CPR.

Chief Stiles stated that representatives from the Police Department met with representatives from the new Charter School, which will be located in the old KidsPeace building on East Emmaus Avenue. He commented that they discussed security, safety and procedures at the school for traffic flow and parking. He also noted that the school will open in September and they will meet again at that time.

**EXECUTIVE SESSION**



Commissioner Brown announced that the Board will convene into an Executive Session following the Work Session to discuss pending litigation with the Solicitor and will not reconvene.

**ADJOURNMENT**

Commissioner Brinton made a Motion to adjourn the Meeting. Seconded by Commissioner Ackerman. The time was 8:35 p.m.

Respectfully submitted

Randy Soriano  
Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on May 24, 2012.

Approved and certified on this date:

\_\_\_\_\_  
Randy Soriano

\_\_\_\_\_  
Date

SEAL