

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
JUNE 28, 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 FINANCIAL REPORT AND BILLS PAYABLES**

Mr. Soriano announced that the Bills Payables were revised to include a payment to RGC from the Sewer Fund. The total for all funds was increased by **94,100.33**

Commissioner Martucci thanked Ms. Bonaskiewich for the monthly financial analysis which helps the Board's review.

**Motion by Commissioner Brinton, seconded by Commissioner Martucci, to approve the unaudited Financial Statements for the period ending May 31, 2012 and the list of Bills Payables for the period 6/9/2012 through 06/22/2012, broken down as follows: General Fund - \$27,680.92; Fire Fund - \$1,050.27; Library Fund - \$0; Water Fund - \$2,324.44; Sewer Fund - \$127,074.83; Refuse & Recycling Fund - \$124,625.00; Highway Fund - \$0; Subdivision Escrow Fund-\$3,764.25. Total of all Funds - \$286,519.71.**

**Roll Call:**

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

**The Motion passed by 5-0**

### **MINUTES**

#### **June 14, 2012**

Commissioner Brown declared the June 14, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

### **NEW BUSINESS**

### **ORDINANCES**

None

**RESOLUTIONS**

Mr. Soriano stated that another Public Works Department employee will retire. Amos Ritter has been employed by the Township since 1991 and his retirement date is set for August 4<sup>th</sup>, 2012. He noted that the Board will need to accept his retirement letter by Resolution.

**AMOS R. RITTER**

Date of Hire: 02/25/91

Date of Retirement: 08/04/12

**Time of Service: 21 Years, 5 Months**

***RESOLUTION NO. 06-2012-***

***BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE RETIREMENT BENEFITS FOR AMOS RITTER***

*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 Amos Ritter; and*

*WHEREAS, PMRS will calculate the retirement benefits for Mr. Ritter 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 Amos Ritter as calculated by the PMRS.*

*APPROVED AND ADOPTED this 28<sup>th</sup> day of June, 2012 at a regular public meeting.*

*TOWNSHIP OF SALISBURY  
(Lehigh County, Pennsylvania)*

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

ATTESTED:

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

**Motion by Commissioner Martucci, seconded by Commissioner Brinton, to approved Resolution 06-2012- accepting the retirement of Amos R. Ritter.**

**Roll Call:**

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

**The Motion passed by 5-0**

## **MOTIONS**

### **CONDITIONAL USE HEARING**

#### **Giles, Dominic - 3350 Devonshire Road - Use of Barn for Halloween.**

Mr. Soriano announced that Mr. Giles has filed a zoning application for a Conditional Use to operate the Barn that he owns for a Halloween venue. Mr. Soriano noted that the use must be approved by the Board and the Planning Commission has reviewed the application required by the Zoning Ordinance. Mr. Soriano commented that the Barn is located in an R-4 Medium Density Residential District.

Mr. Soriano stated that the Hearing has been duly advertised and notices have been sent in accordance with the requirements of the Zoning Ordinance to property owners residing within 150 feet from the proposed use. The Board will act as a quasi-judicial, quasi-legislative board.

The proceedings were turned over to Solicitor Ashley.

Mr. Dominic Giles was present to testify. He noted that his proposal is to continue the walk-through, haunted Halloween attraction for a fourth year. Mr. Giles stated that he is asking permission to use the facility for 2013 as well and outlined the dates and times that it will be operational for the two years.

Chief Stiles stated that the Police Department has had no problems with the location in the past.

Ms. Sopka noted that the Planning Commission recommended the approval of the Conditional Use.

Attorney Ashley inquired if the location has to be verified by the Fire Code Inspection review. Mr. Nicolo stated that a fire inspection should be performed and recommends that be a condition of approval. Mr. Giles questioned who would carry out the fire inspection. Mr. Nicolo replied that CodeMaster could do the inspection as they did the original inspections.

**Motion by Commissioner Martucci, seconded by Commissioner Brinton, to GRANT the Conditional Use to operate the Barn for a Halloween event for 2012 and 2013 contingent on meeting all of the Federal, State and Local requirements.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
COMMISSIONER SEAGREAVES – YES

COMMISSIONER MARTUCCI – YES  
COMMISSIONER BRINTON – YES  
COMMISSIONER BROWN – YES

**The Motion passed by 5-0**

**SHADE TREE ORDINANCE APPEAL**

**Notice of Enforcement - Mullane, John and Maria - 924 Hawthorne Road.**

Mr. Soriano noted that the property owners are appealing a Notice of Enforcement issued by the Shade Tree Official, Sandy Nicolo, to replace two (2) shade trees that were taken down. He commented that the property owners are requesting relief from the provision of the Shade Tree Ordinance that requires that new trees be planted. Mr. Soriano stated that this Hearing is held pursuant to the Local Agency Law and a stenographer will be present to record the testimony in case of appeal.

Mr. Soriano turned over the proceeding to Attorney Ashley.

Mr. John Mullane was present to testify. He stated that he is requesting a waiver to the Ordinance requirement to replant street trees because of the location of underground utility lines. He noted that he intended to remove all the roots and the stump in order to replant; however, in removal, he stated that the tree company hit Verizon phone lines, which were only two inches below grade. Mr. Mullane stated that they were concerned about hitting other utility lines, so they stopped the total removal and instead made the stump level with grade. He commented that in order to comply with the type and size of tree that the Ordinance requires, the tree company is recommending a hole in diameter of 24-30 inches with a depth of 24 inches.

Commissioner Brinton inquired as to the age of the development. Mr. Mullane stated that the homes were built around 1981 and the trees were a requirement at the time.

Mr. Nicolo stated that the size of the hole the tree company is recommending should not be dug in this area and he agrees that there is no room for a new tree.

**Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to GRANT a waiver from the requirement of the Shade Tree Ordinance not to replant a shade tree at 924 Hawthorn Road.**

**Roll Call:**

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

**The Motion passed by 5-0**

Commissioner Martucci inquired if the Township could require a tree donation to one of its parks instead of replanting a street tree. Ms. Sopka replied that the idea is something to consider while the Township is amending its SALDO. She stated that she is in the process of compiling information for the Board regarding street trees.

**Motion to Purchase of New Radios for Police - Allentown Encryption Issue.**

Mr. Soriano stated that the Chief has received a quote from Harris Corporation for the three new radios that he will purchase in order for officers to be able to communicate with the City of Allentown Police Department after June 30, 2012. Mr. Soriano stated that the cost for three radios will be \$8,735.70.

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve the purchase of three radios in the amount of \$8,735.70 in order to facilitate communication with the Allentown Police Department.**

**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 Release the Maintenance Bond for the Cedar Crest Bible Fellowship Church.**

Mr. Soriano noted that the Board entered into a SALDO Maintenance and Improvement Agreement on June 25, 2009 for the Land Development Plan that was approved on December 8, 2005. He commented that the amount of the improvement bond posted was approximately \$69,500. Mr. Soriano stated that on or around November 2010, the Cedar Crest Bible Fellowship Church requested that the project enter into an 18-month maintenance period, and the Maintenance Agreement was in the amount of \$60,489.15. He noted that the Township Engineer recommends that the Township release the outstanding \$3,764.25 and this will, in essence, close out the project.

Commissioner Brown asked the Township Engineer for comments. Mr. Tetteimer noted that all improvements had been satisfied and he would recommend approval.

**Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to approve the Release of the Maintenance Bond and the outstanding \$3,764.25 for the Cedar Crest Fellowship Bible Church.**

**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. 6 to RGC Development Inc. in the amount of \$94,100.33 for the Patricia Drive Pumping Station Elimination Project.**

Mr. Soriano noted that the paving work has been finished and the project is close to being completed. He commented that a punch list has been prepared, and with the payment of this application, the outstanding balance of the contract is \$26,332.65. Mr. Soriano stated that the request has been reviewed by the Township Engineer and has been recommended for approval. Mr. Tetteimer stated that the payment is mostly for paving work and the meter installation.

**Motion by Commissioner Martucci, seconded by Commissioner Seagreaves, to approve Payment No. 6 to RGC Development Inc. in the amount of \$94,100.33 for the Patricia Drive Pumping Station Elimination Project.**

**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**

Mr. Soriano commented on the Comprehensive Plan review and noted that the Township is getting closer to the public meeting, which is scheduled for July 26, 2012 at 7:45 p.m. Mr. Soriano noted that since the Board has not had time to review the comments on the Draft that was sent out to surrounding municipalities, he is recommending the Board meet with the consultant after the public meeting.

**PRIVILEGE OF THE FLOOR**

Commissioner Martucci commented that a resident approached him about having parking on one side of the street on Morning Side Avenue. He stated that he told the resident it was a public street and people can park there unless there is a specific Ordinance that says otherwise, which is unlikely unless there is a safety issue. Chief Stiles stated that the Police Department is currently reviewing all the streets in the Township, but noted that that Morning Side Avenue did not come up as one of the original problem areas.

Commissioner Brinton stated that a resident inquired about whether the new fire truck will be able to fit on Black Gum Drive, Erney Street and Tupelo Street. Commissioner Seagreaves replied that yes, the new truck will fit on those streets.

Ms. Sopka handed out information regarding new fee structures and noted that she will be addressing the topic further in the Workshop.

Chief Stiles stated that Sergeant Sabo went to the TNT Fireworks tent and performed a fire safety inspection. Chief Stiles handed out the report to the Board and noted that the employees made some changes based on Sergeant Sabo's recommendation, and it now complies with the Police Department's safety concerns.

Chief stated that he read the report about the biker in Dodson Park who was rescued by Eastern Salisbury Fire Department, and noted that the biker did not register with the Township. Chief Stiles stated that the biker could be subject to a fine.

Chief Stiles stated that he received another grant from PennDOT to do an additional 21 hours of traffic enforcement.

### **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 Martucci made a Motion to adjourn the Meeting. Seconded by Commissioner Ackerman. The time was 8:03 p.m.

Respectfully submitted,

Randy Soriano  
Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on June 28, 2012.

Approved and certified on this date:

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

\_\_\_\_\_  
Date

SEAL