

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
SEPTEMBER 27, 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 7:10 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 announced that the Board held an Executive Session prior to the meeting to discuss a legal matter.

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 UNAUDITED FINANCIAL REPORT AND BILLS PAYABLE

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to approve the unaudited Financial Report for August 2012 and the list of Bills Payable for the period 9/8/2012-9/21/2012, broken down as follows: General Fund - \$209,670.13; Fire Fund - \$4,254.30; Library Fund - \$0; Water Fund - \$10,096.56; Sewer Fund - \$7,788.26; Refuse & Recycling Fund - \$1,320.00; Highway Fund - \$0; Total of all Funds - \$233,129.25.

Roll Call:

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

The Motion passed by 5-0

Ms. Bonaskiewich stated that the Township is in the process of doing software upgrades and advised that there might be a delay in the next Bills Payable list for the meeting of October 12, 2012.

MINUTES

September 13, 2012

Commissioner Brown declared the September 13, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

ORDINANCES

None

RESOLUTIONS

Motion to approve Resolution No.09-2012-1493, adopting the April 2012 Final Draft of the Comprehensive Plan and revised Errata Sheet dated September 27, 2012.

Mr. Soriano stated that since the last Board meeting, some discussion took place with Mr. Charlie Schmehl, consultant from Urban Research and Development Corporation, in regards to the language in the Plan. He also noted that he had updated the Board on the legal aspect of the document.

Mr. Soriano explained that the Plan does not deal with Zoning Amendments or re-zoning of any property. He stated that the Board is basically giving the Planning Commission an abstract document to use for the process of comprising the Zoning Ordinance.

Mr. Schmehl was present to address the Board. He noted that the Comprehensive Plan is not a regulation, or a legal, binding document upon the Township. Mr. Schmehl stated that the Plan is intended to be a general guide of policies to help support Zoning Ordinances, but does give some room for refinements as long as the Township is generally consistent between the Plan and the Zoning Ordinance.

Mr. Schmehl reviewed some of the changes and clarifications. He stated that the main clarification is that the Plan does not specifically show exact zoning map changes; it is showing future land-use plan changes. Mr. Schmehl also clarified that the Plan does not propose any reduction of the CR Zoning District and there are some places where it is proposed to be increased. He stated that the CR District, which is the most restrictive zoning that the Township has (a large-lot zoning district), is applied where the Township has concentrations of steep slopes. Mr. Schmehl explained that the School District property closest to Emmaus Avenue and is currently zoned an R-3, is not steeply sloped, but the bulk of the property that is steep will continue to be in the CR district.

Commissioner Seagreaves questioned the implications of water run-off if homes were built on the School District property closest to Emmaus Avenue. Mr. Schmehl replied that there are many new regulations for water quality and stormwater controls.

Commissioner Ackerman also inquired about the effects on the watershed if the land would be developed. Mr. Schmehl reiterated that there are more restrictive provisions in place to protect than in the past.

Mr. Kent Baird from Wildlands Conservancy stated that with his experience of working with a developer, it was his opinion that the site is a complicated one with its steep slopes and wetlands. He noted that he believes the property would best be suited for a park.

Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to adopt Resolution No. 09-2012-1493, adopting the April 2012 Final Draft of the Comprehensive Plan and revised Errata Sheet dated September 27, 2012.

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 Resolution No. 10-2012-1424, revising the Permit Fees Resolution.

Mr. Soriano stated that this Resolution will amend a previous one that was adopted in July 2012, regarding the permit fees for both residential and commercial entities. He noted that Ms. Sopka has revisited the fees, and a revision is necessary in order to track the permits by discipline and to deal with some administration issues that the staff was encountering in its implementation.

Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to adopt Resolution No. 10-2012-1424, amending the building, electrical, plumbing and mechanical permit fees for both residential and commercial entities.

Roll Call:

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

The Motion passed by 5-0

MOTIONS

Shade Tree Appeal Hearing – Morganelli, Joseph – 821 South Ott Street.

Mr. Soriano stated that the property owner is appealing a Notice of Enforcement issued by the Shade Tree Official, Sandy Nicolo, to replace a shade tree that was removed. He commented that the property owner is requesting relief from the provision of the Shade Tree Ordinance that requires new trees be planted. Mr. Soriano stated that this Hearing is held pursuant to the Local Agency Law and a stenographer is present to record the testimony in case of appeal.

Mr. Soriano turned over the proceedings to Attorney Ashley.

Mr. Joseph Morganelli was present to testify. He stated that there was a crack in the middle of the tree and he removed it due to safety concerns. Mr. Morganelli commented that he is requesting a waiver to the Ordinance requirement to replant because it would be a hardship due to the location of underground utility lines, specifically the water line.

Commission Brown inquired as to the reason why Mr. Morganelli does not want to plant a tree. Mr. Morganelli responded that he does not have a place to put a new tree because the base of the stump of the old is still in the ground and is unable to be removed because of its size.

Mr. Nicolo stated that he believes there are places on the property to replant a tree and provided the Board with a diagram showing the recommended spot.

A discussion took place about the location and the size of the new tree.

Mr. Morganelli stated that he has received opinions from two different tree contractors that both said the tree could die if it would be planted in the location that Mr. Nicolo recommended due to the proximity of the roots from the old tree.

Mr. Tettermer stated that planting a new tree in the right-of-way of the road would be a problem. He noted that depending on how close a new tree is planted to an older, larger tree, it could shade it out and it will be hard to grow. Mr. Tettermer stated that the Township Ordinance requests that the shade trees be planted about 40 feet apart.

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to require the property owner of 821 South Ott Street to replant the shade tree with one of the Township's recommended trees.

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 Keystone Code Consulting Agreement.

Mr. Soriano stated that this agreement would appoint Keystone Code Consulting as the secondary Building Code Official when the Township's primary BCO would need to recuse themselves due to conflicts.

Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve Keystone Code Consulting Agreement to act as the secondary Building Code Official.

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 the acceptance of the 2013 Minimum Municipal Obligations certifications for the Police and Non-Uniformed Pension Plans.

Mr. Soriano explained that Act 205 of 1984 requires that each year by September 30th, the Chief Administrative Officer (CAO) of the Pension Plans, Cathy Bonaskiewich, inform the governing body of the plans' expected financial obligation for the following year. He stated that the calculation of the 2013 plans' costs or MMO requires several assumptions relating to projected payrolls, amortization of unfunded liability/actuarial surplus, employee contributions and the allocation of state aid, when received. He noted that data utilized to complete the MMOs is calculated from data derived from the 1-1-2011 PERC report, and the CAO has indicated her best estimate. Mr. Soriano commented that the Board can change these numbers at future budget meetings.

Mr. Soriano further explained that the MMO is the General Fund obligation for 2013, which is payable into the Township plans by December 31, 2013. Therefore, the amount calculated in the MMO must be budgeted for 2013. He noted that the amount can be met with either general fund dollars or 2013 State Aid.

Mr. Soriano stated that for the Non-Uniformed MMO, the cost to the Plan is \$261,615, a decrease of \$4,425, derived primarily from increases in payroll projections. The Police Pension Plan shows a MMO of \$262,000, an increase of \$32,323. Mr. Soriano noted that the Plan experienced an actuarial loss as shown in the 1/1/11 valuation due to the economic downturn that has affected the investment portfolio since September of 2008.

Commissioner Brinton asked why there was an exception in 2011 that the state aid increased for the non-uniformed plan. Mr. Soriano stated that it was one-time abnormality of the calculation of state aid and the Township should not expect that a second time.

Motion by Commissioner Ackerman, seconded by Commission Brinton, to accept the 2013 Minimum Municipal Obligations certifications for the Police and Non-Uniformed Pension Plans.

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 set the 2012 Halloween Trick-or-Treat date to Friday, October 26, 2012 from 6:00 p.m. to 8:00 p.m.

Mr. Soriano stated that Chief Stiles will work hand-in-hand with the School District to make sure that this year's event is a fun and safe one. He noted that key intersections will be manned by the Police Department to facilitate crossing of ghosts and other creatures.

Mr. Soriano reminded the Board of some common sense rules for the event and they will be posted on the Township's website:

- Make sure your child's clothing is flame retardant. Review the stop-drop-roll exercise in case a costume catches on fire.
 - Attach your child's name and address to the inside of their costume.
 - Imitation knives, guns, and swords are not recommended costume accessories.
 - Give children flashlights and/or reflective tape, especially if their costume is a dark color.
 - Lighted pumpkins and luminaries should never be left unattended.
 - Make sure all outdoor lights are operational.
 - Buy fresh batteries for, and test, your home smoke alarms.
 - Remove items kids could trip over from your walkway and doorstep.
 - Keep dogs and other pets away from your front door so that visiting children will not become frightened.
 - Set up a curfew for your older kids.
 - Discuss the route trick-or-treaters intend to follow.
 - Watch for signs of tampered candy such as loose wrappers and check all treats before they are eaten.
 - Throw away homemade or unwrapped treats. When in doubt, throw it out.
 - Serve an early healthy dinner so the kids won't fill up on candy.
 - Teach children how to dial 9-1-1 if they have become lost or have an emergency. (Remind them that 9-1-1 can be dialed free from any payphone).
- A warning to all motorists on Halloween:***
- Watch for children in the street and on medians while driving.
 - Enter and exit alleys and driveways slowly and carefully.
 - Watch for children in dark clothing.
 - Avoid all unnecessary travel on Halloween evening.

Motion by Commissioner Ackerman, seconded by Commissioner Brinton, to set the 2012 Halloween Trick-or-Treat date to Friday, October 26, 2012 from 6:00 p.m. to 8:00 p.m.

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 announced that the end-of-year Playground Program report indicates that it was another successful year, and he noted that the Allentown Public Library Book Van attended all three parks. Mr. Soriano commented that vandalism at Laubach Park will have to be addressed for next year.

PRIVILEGE OF THE FLOOR

Ms. Mary Anne Stinner of 2510 Green Acres Drive inquired about the status of the re-paving project on Green Acres Drive as the street has only been done from Beverly Drive to the end of Green Acres Park. Mr. Andreas stated that certain sections required additional prep work, but the areas between the trench drains and along Beverly Drive will be paved, and the section between Emerson Street and Flexer Avenue is set to be paved at the beginning of 2013.

Mr. Gary Swab of 804 S. Edward Street expressed concerns about a residence in the 800 block of S. Edward Street. He believes the property is being rented and the tenants are running a business at that location because of the large amount of traffic in and out of the home. He questioned if the Zoning Ordinance permits a business in that district.

Commissioner Ackerman also expressed concerns about the property and public safety due to a large amount of cars parked on the street and the conduct of the people who live there. Mr. Soriano clarified that the two issues are zoning regulations and the conduct of the tenants. Ms. Sopka stated that her records indicate that the property is in fact rented and is utilized as adult disability housing for two residents. Ms. Sopka explained that it is still considered a single family home and is not considered a group home. She stated that in accordance with American Disability Association requirements, the property is considered a residence, regardless of tenants' mental or physical status. Ms. Sopka also noted that she does not have a record of the property being operated as a business.

Commissioner Martucci questioned if there was an Ordinance that would not permit the use and he inquired how the Township can prove there is a business at that location. Ms. Sopka stated that it is federally mandated under the ADA that no one can discriminate against people with disabilities.

Mr. Soriano stated that the Planning and Zoning office has to investigate whether there is any reason to believe that the home is now violating any Zoning Ordinance of that residential district. He noted that the blocking of driveways and the conduct of the tenants can be enforced by the Police Department. He explained that the Zoning Officer has to determine if the home is used in conformance within the district and explained that the Board cannot make that determination because they are a legislative body. Mr. Soriano commented that court cases about group homes show that they are treated as families and are not any different than any residential family living in a home.

Mr. Charles Beck of 930 East Lexington Street expressed concerns about various Public Works matters. He also expressed concerns about his neighbors continuously working on their cars in the street. Chief Stiles stated that an officer was at that location twice and the homeowners were told to move the cars out of the street. Chief Stiles noted that the office was instructed to keep

checking on the property. Mr. Soriano stated that he will investigate if there is in fact a Township Ordinance prohibiting the repair of cars in the street.

ADJOURNMENT

Commissioner Martucci made a Motion to adjourn the Meeting. Seconded by Commissioner Brinton. The time was 9:01 p.m.

Respectfully submitted,

Randy Soriano
Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on September 13, 2012.

Approved and certified on this date:

Randy Soriano

Date

SEAL