

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:30 PM
July 9, 2009**

The Public Meeting of the Salisbury Township Board of Commissioners was held on the above date at the Township Municipal Building located at 2900 South Pike Avenue, Allentown, Lehigh County, Pennsylvania.

Members attending:

Larry Unger, President (Arrived later)
James Brown, Vice-President
Robert Martucci, Jr.
Norma Cusick
Mary Yoder-RESIGNED (Fifth Ward Commission seat - VACANT)

Staff attending:

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 and Zoning
John Ashley, Township Solicitor
David Tettermer, Representative of the Township Engineer.

Also Present:

Mr. Dallas Heckman, Chairperson, Vacancy Board

CALL TO ORDER

Commissioner Brown, Vice President, called the meeting to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE

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 at the time of 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 does archive its tapes which are available pursuant the Right-to-Know Law.

Mr. Soriano reminded everyone of the 3-minute rule and asked that anyone speaking from the floor announce themselves and speak into the microphones.

APPROVAL OF BILLS PAYABLE

On motion of Commissioner Cusick, seconded by Commissioner Martucci, the Board of Commissioners voted unanimously to approve the Bills Payable for the period 06/21/2009 through 07/03/2009.

MINUTES

June 25, 2009

Commissioner Brown declared the June 25, 2009 Board of Commissioners Meeting Minutes approved as presented.

NEW BUSINESS

Fifth Ward Commissioner candidate interviews.

The Board interviewed three (3) registered voters from Ward 5, who had applied for the vacancy created by the resignation of Mary Yoder. The following registered voters were interviewed in the order applications were received:

- Ms. Joanne Ackerman, 2572 Green Acres Drive, Allentown PA 18103
- Mr. Jeffrey Seybolt, 2756 Andrea Drive, Allentown, PA 18103
- Mr. Dominic Giles, 1847 Nottingham Rd., Allentown, PA 18103

Since Commissioner Unger was not initially present, the Board decided to defer this matter pending his arrival. The Commissioners moved on to consider other agenda items. Upon the completion of deliberating on other agenda items and the arrival of President Unger, the Board continued the interviews.

The Board proceeded to ask each candidate several questions.

Ms. Ackerman.

Commissioner Cusick posed several questions relating to Ms. Ackerman's reasons for wanting to be a commissioner and her views on what is important. Ms. Ackerman responded that she's been a resident for 35 years, has had a versatile career, and obtained a lot of knowledge and experience in the 5th Ward. She cares for the Township and feels representation is very important. She stated she is very thankful for the work that went into the cleaning of the woods and the new swings put up.

Commissioner Martucci asked about what Township issue she views as a priority and what would she do to address. She stated that one issue that she brought to the attention of the Board is the problems at the playground near her home. Particularly, traffic safety is a problem due to motorists traveling down the street at a fast speed. She advised that she'd like to see traffic signs go up, since then there has been much improvement in that area.

Commissioner Brown questioned how she would feel if a tax increase were necessary and, alternatively, why she would see the need to increase taxes. Also, her long term goals for the Township. She stated that she would have to review everything as a whole and look to see where money could be saved. If a tax increase were necessary, she would advise the Township how, where, and why it was necessary. She expressed that providing as much information as possible to the residents of Salisbury would give them a better understanding. She did not have a long term goal in mind, but mainly to try to keep everything going smoothly has possible in the Township.

Commissioner Unger asked if she had any background or dealings with any Zoning or land development issues. She stated she is familiar with the Swain School as she lives next to it. There were several issues with the construction going on, and she attended the meetings and saw great improvement, especially with safety.

Commissioner Cusick inquired whether the twenty seven (27) signatures she had petitioned were all from residents in the 5th Ward. She advised that they are.

Mr. Seybolt.

Commissioner Cusick asked why and when he decided he was interested in being the 5th Ward Commissioner. He advised that after he attended his first Board of Commissioners meeting on June 11, 2009, he presented concerns about Green Acres Park. He then became aware that a seat was vacant. The reason of interest is partly due to the encouragement of friends and neighbors that were with him at the meeting that night. He stated that he and the people that attended with him felt that he showed true concern and that it was a very productive meeting. **Commissioner Cusick asked whether he would have any time restraints.** He did advise about every five weeks he is on call for one week, but that does not necessarily mean it will interfere with the meetings.

Commissioner Martucci questioned what Township issue he sees as a priority and what would he do to address it. Mr. Seybolt responded that his main issue is the parks. He feels that Lindberg Park could run into the same situation as Green Acres. He would like to make sure the parks are a safe place to visit.

Commissioner Martucci asked how he would resolve the grass collection issue. He did advise he does not know what the current arrangement is, he does have some confusion regarding this, and would need to review all information.

Commissioner Brown asked if he would ever consider a tax increase. He stated he would try to the best of his ability not to raise taxes, but in the event that it is needed, he would push to have the most minimal increase possible, and provide the residents of Salisbury with this information.

Commissioner Brown inquired if he sees any issues or concerns with the Public Works in regards to snow removal, leaf collection, maintaining of the streets, etc. Mr. Seybolt responded that he thinks they do a great job and have a great turnaround time, especially with the road work.

Commissioner Unger inquired if he had any background with zoning or land development. Mr. Seybolt responded that did not.

Mr. Giles.

Commissioner Cusick asked his interest in becoming a Commissioner. Mr. Giles responded that since he became a resident of Salisbury, he has enjoyed his stay. He likes the mannerism and courtesy of the Township staff and because of his business, he has dealt with other municipalities and does not get the same feedback from them.

Commissioner Martucci asked what Township issues he sees as a priority and what would he do to address them. He commented that he does not see anything as a major issue and feels the services provided in the Township are well worth the money. The grass issue, for example, he would include the grass as it presently is. Regardless, people do feel they get overcharged from grass, to school taxes, etc. He commented that we are a community and it all evens out.

Commissioner Brown asked what his views are on tax increases. He feels the taxes are very reasonable in this Township and are happy with the services. There is always, even if small, an increase for something, so if it has to be done to maintain what we have in this community, then so be it.

Commissioner Brown asked what his view points are with the Police Department. He stated that he thinks the officers do an excellent job. He appreciates the way the Chief and his officers interact with the community. They get the job done.

Commissioner Unger questioned if he had any background with zoning or land development. Mr. Giles offered his own personal experiences and noted that he does not

have a background in large construction. With his business, he does have small interaction with zoning.

ORDINANCES

None

RESOLUTIONS

Consideration of a Resolution to Appoint a registered voter for Ward 5

Mr. Heckman, Chairperson of the Salisbury Township Vacancy Board was also in attendance in order to break a tie vote.

Commissioner Brown commented that all three candidates represented themselves very well, and it is a tough choice. Unfortunately, none of the candidates have a background in planning or zoning.

Commissioner Brown nominated Mr. Giles. Commission Brown commented that Mr. Giles handled himself very well during the interview and liked his responses.

Commissioner Cusick nominated Ms. Ackerman. Commissioner Cusick noted that Ms. Ackerman had went around to her surrounding neighbors and received 27 signatures from people who believe she would be good for the position.

Commissioner Unger noted that he would support the nomination of Mr. Giles because of his business background which would be an asset on the Board.

Commissioner Martucci stated that he would also support Mr. Giles because he is an entrepreneur and has probably faced a lot of difficult decisions throughout the years, and thinks this helps him in making choices at this level.

A roll call vote was taken.

CUSICK—Ackerman

BROWN—Giles

MARTUCCI—Giles

UNGER—Giles

By a vote of 3-1, Mr. Dominic Giles was appointed Commissioner for Ward 5. Mr. Soriano stated that the Township Code requires that the Commissioners make the appointment by Resolution, therefore a Resolution was prepared to effectuate the appointment of Mr. Giles.

Mr. Soriano introduced the following Resolution that would appoint Mr. Dominic Giles.

“RESOLUTION NO. 06-2009-

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPOINTING MR. DOMINIC GILES AS COMMISSIONER OF WARD 5, EFFECTIVE JULY 9, 2009.

WHEREAS, Ms. Mary Yoder, Commissioner of the Fifth Ward, announced at the May 14, 2009 Board of Commissioners Meeting that she would be resigning her seat, term ending 2012, effective June 11, 2009; and

WHEREAS, the Board of Commissioners, hereinafter "Board", accepted Ms. Yoder's resignation on June 11, 2009 and declared the seat vacant; and

WHEREAS, The Purdon Statutes, at 53 P.S. Section 55530, as amended, requires that the Board, by resolution, appoint a registered voter from the Ward in which the vacancy occurs within 30 days after the vacancy occurs; and

WHEREAS, the Board received several applications from registered voters of the 5th Ward, requesting to be considered for the appointment and the Board interviewed the applicants for the vacant Fifth Ward Commission seat.

NOW THEREFORE, BE IT RESOLVED, and it is hereby resolved by same that the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania hereby appoints Mr. Dominic Giles, residing at 1849 Nottingham Road (Ward 5), to fill the vacant seat for Fifth Ward Commissioner, left open by Ms. Mary Yoder's resignation. The term of said office shall expire on the first Monday of January, 2010.

APPROVED AND ADOPTED this 9th day of July, 2009 at a regular public meeting."

Commissioner Cusick moved to approve the Resolution appointing Dominic Giles to fill the vacant seat of Commissioner Yoder, Ward 5, appointing Dominic Giles. Motion seconded by Commissioner Martucci. Motion passed by unanimous voice vote.

Mr. Soriano noted that before Mr. Giles can assume the duties of Commissioner, he must be sworn in by someone who has the authority to administer the Oath of Office (Judge, District Judge, Notary Public) and to file the Oath with the Township Secretary. Mr. Soriano provided Mr. Giles with a sample that he can use.

"SALISBURY TOWNSHIP
LEHIGH COUNTY
PENNSYLVANIA
OATH OF OFFICE

I, _____, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT, OBEY AND DEFEND THE CONSTITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THIS COMMONWEALTH, AND THAT I WILL DISCHARGE THE DUTIES OF MY OFFICE AS _____ WITH FIDELITY.

Sworn and subscribed before me this _____ Day of _____, A.D. _____.

Signature"

Mr. Soriano announced that Mr. Giles will serve until the first Monday of January, 2010. On the November 3, 2009 Municipal election, there will be a short ballot for a 2 year term for Ward 5 that will run until the end of Ms. Yoder's original term (2012).

MOTIONS

Consideration of a Motion to grant a Waiver for the 100-foot well isolation distance relative to the on-lot sewage requirements for a property located at 515 East Rock Road.

Mr. Soriano noted that a waiver request letter was received from the property owners of 515 East Rock Road. Mr. Soriano noted that the County assessment records show the record owners are Joseph and Elizabeth Ostock. The initial request was made by Ms. Marie Kester, their daughter and trustee of their estate. The property is served by on-lot-sewage that has malfunctioned. Soil and percolation tests have been completed and a new system design has been submitted. However, the regulations call for a 100 foot well isolation distance between the disposal system absorption area and the existing well. This requirement cannot be met due to insufficient lot area available, thus a Waiver. The SEO, John Burkhardt, is recommending approval of the request for this Waiver (See June 26, 2009 Letter). The request is for a 28 foot variance, since the absorption field would only be located 72 feet from the well.

A discussion ensued on whether the Township would assume liability if the adjacent well would be contaminated. Attorney Ashley noted that the present condition of the on-lot sewage system which is malfunctioning could jeopardize the quality of the water.

Commissioner Cusick inquired about the water quality and how to know whether other nearby wells have been polluted or affected. Ms. Sopka advised that in order to find out, testing would have to be done on the neighboring properties.

Commissioner Martucci expressed his concern about the water quality on the existing well and adjoining properties' wells. He stated he would like testing done on the neighboring wells. Also he would like confirmation that the new system is at least 100 feet from the neighboring wells. Commissioner Martucci questioned if the sand mound is the only option.

Mr. Tettermer advised him it is because the only other option would be direct stream discharge and there is no stream nearby. The DEP does approve sand mounds and this is what is being used to repair systems now a days. The reason why it fails is that the soil shuts down and does not allow the discharge to leach in, it therefore starts to leach out, and this is why you get the odor. Once a system like this is repaired the sand mound creates a brand new area. Hopefully at that point the soil will be able to properly filter through the system and it will work the way it is suppose to.

Cynthia Sopka discussed water quality pre and post testing may be a good idea. The lender will require a home inspection, and water testing is one of them. Therefore, if testing is done prior to the new system going in, there is a base line.

Mr. Tettermer discussed DEP requirements and BMP techniques to deal with these issues. Mr. Tettermer advised that the State has what is called “Best Management Practices” for instances like this. It allows repair of an existing system like this that does not meet the requirements. If the well is polluted, it is a private issue and they should do testing on the well.

Mr. Soriano stated that this is an existing health hazard, so regardless of whether they sell or own the home, it must be corrected. The system is failing and has to be replaced with a new system.

Attorney Ashley stated that it would be important to have the property owner sign a Waiver of Liability showing that they requested this Waiver for the 100 foot well isolation distance relative to the on-lot sewage requirements. Therefore, if the property should be sold in the future, the future owner cannot question the Township for not following requirements. Mr. Burkhardt suggested a condition for the Waiver upon approval and acceptance of a Hold Harmless agreement.

Motion by Commissioner Cusick to approve the Waivers for the 100 foot well isolation distance relative to the on-lot sewage requirements for 515 East Rock Road, conditioned upon the signing of a Hold Harmless Agreement and Covenant. Commissioner Brown seconded the motion. Motion passed by unanimous voice vote.

Consideration of a Motion to approve Payment #3 for \$35,374.50 to Imperial Excavating & Paving for work performed on the Barnsdale Road Storm Sewer Replacement Project

Mr. Soriano brought forth a recommendation from the Township Engineer to pay Imperial Excavating \$35,374.50 for work completed on the Barnsdale Road Storm Sewer Replacement Project (Bishop Road to 24th Street).

Mr. Soriano asked that this item be tabled pending further review by the Engineer and staff.

PUBLIC COMMENT

A gentleman in the audience inquired about the Board’s decision on the grass collection. Mr. Soriano noted that the decision was to include grass collection in the Waste Management contract and to not charge residents for the service since the Township is offsetting the cost with recycling proceeds.

Mr. Todd Scampton of 2005 Woodside Court expressed concern regarding a detention pond located next to his home. He explained that in the past the Township had been out to maintain it; but the last time was two years ago. Now the detention pond is overgrown and he would like to know if there is going to be maintenance.

Mr. John Andreas, Director of Public Works, noted that the Township has responsibility to maintain 20 ponds. Mr. Andreas expressed that many of the ponds are becoming natural and native in their character. He noted that they are functioning very well and it is recommended letting them become natural. They will be out to maintain the ponds which will be on a rotating basis.

Mr. Scampton asked whether he could trim back the pond himself to assist. Mr. Andreas advised that he would not recommend doing that even though he appreciated the offer. He explained that the pond is on a steep slope and due to the design of the pond, there is a maintenance procedure that they follow. Mr. Andreas advised that they will get over there to trim back the sumac tree surrounding the pond.

Mr. Scampton also questioned if the gate at the pond can be locked, as it keeps coming open, and he is worried about child safety. Mr. Andreas advised that he would go out and look at the gate.

Mr. Andreas explained the maintenance policy of the ponds. He noted there are about 20 ponds in the Township, some are natural and others are subdivision plan ponds. Maintenance varies depending on the pond and weather conditions. Some were designed to have total access while others were not. Some need to be mowed and others cut.

OTHER BUSINESS

None

ADJOURNMENT

As no other business was presented, on Motion by Commissioner Brown and seconded by Commissioner Cusick the meeting was adjourned. The Board of Commissioners recessed into a Workshop. The time was 9:00 P.M.