

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
May 28, 2020  
REGULAR MEETING – 7:00 PM**

*\*SPECIAL NOTIFICATION - This public meeting of the Salisbury Township Board of Commissioners was held online using the Zoom virtual meeting platform due to the COVID-19 pandemic and social distancing guidelines.*

**CALL TO ORDER**

Commissioner Brinton called the meeting to order at 7:00 p.m.

Commissioner Brinton turned the proceedings over to Ms. Cathy Bonaskiewich, Township Manager.

**ROLL CALL**

**Board Members Present:**

Debra Brinton, President  
Rodney Conn, Vice-President  
James Seagreaves, President Pro-Tempore  
Heather Lipkin

**Staff Present:**

Cathy Bonaskiewich, Township Manager  
Sandy Nicolo, Assistant Township Manager/Code Enforcement Director/MS4 Coordinator  
Paul Ziegenfus, Finance Director  
John Andreas, Director of Public Works  
Kevin Soberick, Chief of Police  
Kerry Rabold, Community Development  
John Ashley, Esquire, representative of Davison & McCarthy, Township Solicitor  
David Tettemer, representative of Keystone Consulting Engineers, Township Engineer

**NOTIFICATION**

Ms. Bonaskiewich welcomed the attendees to the regular meeting of the Board of Commissioners for May 28, 2020. She noted that the meeting is being held online using the Zoom virtual meeting platform due to the current COVID-19 conditions and with respect to social distancing and public gathering guidelines. Ms. Bonaskiewich commented that the meeting is being recorded electronically for the purpose of taking the Minutes and asked that attendees keep background noise to a minimum. She stated that if anyone would like to comment on a particular agenda item or during courtesy of the floor, he/she should unmute his/herself and use the hand raise button. All public comments on agenda items will be taken prior to the vote and all public comments related to non-agenda items will be taken after the agenda has been satisfied. Ms. Bonaskiewich requested speakers to please announce his/her name and address.

## **APPROVAL OF THE FINANCIAL REPORT AND LIST OF BILLS PAYABLE**

**Motion by Commissioner Lipkin, seconded by Commissioner Conn, to approve the unaudited Financial Report for the period ending April 30, 2020 and the list of Bills Payable for the period 5/9/2020-5/22/2020, broken down as follows:**

\$32,502.89 = GENERAL  
\$613.01 = FIRE  
\$0 = LIBRARY  
\$3,689.34 = WATER  
\$56,866.12 = SEWER  
\$341.20 = REFUSE & RECYCLING  
\$0 = HIGHWAY AID  
\$9,441.07 = CAPITAL GENERAL  
\$30 = CAPITAL WATER  
\$589.00 = CAPITAL SEWER  
**\$104,044.63 = GRAND TOTAL ALL FUNDS**

### **Roll Call:**

COMMISSIONER LIPKIN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER CONN – YES  
COMMISSIONER BRINTON – YES

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

## **MINUTES**

### **May 14, 2020**

Commissioner Brinton declared the Minutes of May 14, 2020 accepted as presented.

## **NEW BUSINESS**

## **ORDINANCES**

None.

## **RESOLUTIONS**

None.

## **MOTIONS**

**CONDITIONAL USE HEARING – Request of Keystone Novelties Distributors, LLC for a Fireworks tent and Storage Container at the South Mall, 3300 Lehigh St.**

Mr. John May was present as a representative of Keystone Novelties Distributors, LLC.

Ms. Bonaskiewich turned the proceedings over to Attorney Ashley, Township Solicitor.

Attorney Ashley stated that the Conditional Use Hearing is being held at the request of Keystone Novelties Distributors, LLC to obtain permission to operate a tent for temporary sparklers and novelties sales at the South Mall, 3300 Lehigh Street.

Mr. May testified that he is requesting permission to operate a temporary sales tent for sparklers and novelties in the parking lot of the South Mall. Attorney Ashley provided a copy of the lease agreement with the South Mall, a diagram of the tent location, interior layout of the tent, signs, and a list of state approved products that will be sold.

Mr. May noted the dates and hours of operation for 2020 as June 24<sup>th</sup> – July 5<sup>th</sup> from 9:00 a.m. – 9:00 p.m., with the exception of July 3<sup>rd</sup> and 4<sup>th</sup> when the tent will operate until 11:00 p.m. Mr. Joseph stated that the tent is manned 24 hours per day by a Keystone employee. He commented that the employee will have access to a port-o-potty, but there will be no restroom facilities for customers.

Mr. May stated that he is requesting approval for five years, but if anything changes during that time, he would submit the information to the Board. He commented that going forward, the sale period would be no longer than June 22<sup>nd</sup> – July 6<sup>th</sup>, depending on when the Fourth of July holiday falls.

**Motion by Commissioner Conn, seconded by Commissioner Lipkin, to approve the request of Keystone Novelties Distributors, LLC for a sparklers and novelties tent at the South Mall (3300 Lehigh St.) to operate for a period of time no longer than June 22<sup>nd</sup> through July 6<sup>th</sup> for years 2020 through 2024.**

**Roll Call:**

COMMISSIONER LIPKIN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER CONN – YES  
COMMISSIONER BRINTON – YES

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

**CONDITIONAL USE HEARING – Request of the South Mall for recurring “Food Truck Thursdays” event at 3300 Lehigh St.**

Ms. Bonaskiewich stated that the Conditional Use Hearing is being held at the request of the South Mall, Nichols Park Mall, LLC, to obtain permission for food truck events on Thursdays in the mall parking lot, located at 3300 Lehigh Street.

Ms. Bonaskiewich turned the proceedings over to Attorney John Ashley, Township Solicitor.

Ms. Rachel Berosh, assistant manager for the South Mall (owned by Nichols Park Mall, LLC), testified that the mall is requesting permission to hold “Food Truck Thursdays” from 4:00 p.m. – 8:00 p.m. in the front parking lot of the South Mall. Ms. Berosh commented that she is researching ways to have patrons move around the food trucks in more of a stream-lined process in order to discourage people from congregating in the parking lot. She noted that patrons would be able to do take-out orders, and when Lehigh County moves to the “green” phase of re-opening, outdoor seating might resume.

Ms. Berosh stated that she is requesting approval for a period of five years, and typically, the event would take place each Thursday from early April until the end of September. She commented that for 2020 specifically, the event would take place each Thursday from June until September 24, 2020. Ms. Berosh noted that there are typically 15-20 food trucks each week and there are occasionally crafters and other “farm market-type” vendors.

Ms. Berosh commented that she will be present during the entire event and there is mall security on hand.

**Motion by Commissioner Seagreaves, seconded by Commissioner Conn, to approve the Conditional Use request by the South Mall (Nichols Park Mall, LLC) to operate food truck events on Thursdays from 4:00 p.m. – 8:00 p.m. for a period of five years, approximately running from April through September.**

**Roll Call:**

COMMISSIONER LIPKIN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER CONN – YES  
COMMISSIONER BRINTON – YES

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

**Motion to Request the Civil Service Commission Provide the Top Three Names from the Eligibility List in order to Proceed with Hiring a Police Officer.**

Ms. Bonaskiewich noted that there has been a vacancy in the department since the promotion of Kevin Soberick to the position of Police Chief.

**Motion by Commissioner Lipkin, seconded by Commissioner Conn, to move ahead with requesting the Civil Service Commission to provide the top three names from the Eligibility List in order to proceed with hiring a Police Officer.**

**Roll Call:**

COMMISSIONER LIPKIN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER CONN – YES  
COMMISSIONER BRINTON – YES

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

### **PRIVILEGE OF THE FLOOR**

Commissioner Lipkin commented that she believes there to be an issue with speeding on Weil Street and requested a Speed Limit sign be erected on that street by the Broadway intersection. Chief Soberick noted that he will look into it.

Commissioner Lipkin inquired about the rules for the length of grass on private property. Mr. Nicolo commented that the Ordinance states the grass cannot be longer than six inches. Commissioner Lipkin stated that she will email the information.

Commissioner Brinton brought forth an issue with a neighbor regarding an in-ground pool and fence. She inquired what recourse the Township has if the resident does not comply with the rules of the Ordinance. Mr. Nicolo replied that the resident has until May 31, 2020 to cover the pool, and if it does not happen, the Township will re-file the citation for the fine. He noted that since there are no hearings due to Covid-19, the solution might take a little longer, but the judge determines what the fine will be and then we will go from there.

Commissioner Brinton inquired if there is a law about having a fence or something secure around an inground pool. Mr. Nicolo commented that he made a deal with the resident to put a secure, walkable, cover on the pool and then the resident could simply take the fence down and leave the pool covered. He stated that he gave the resident a couple different options to conform with safety regulations. Commissioner Brinton asked if the resident could be arrested. Mr. Nicolo responded that he does not believe imprisonment is in that Ordinance.

Chief Soberick stated that the Police Department has been busy with several serious incidents, including a shooting in the Township, along with an armed-robbery and several lengthy drug investigations.

Commissioner Brinton thanked Chief Soberick for his help with a complaint about fireworks. She commented that a resident cannot make an anonymous call about fireworks because the person who complains must testify.

The Board thanked the Department of Public Works for their continued efforts at the Drop-off Centers.

Ms. Bonaskiewich announced that the ribbon-cutting ceremony at Lindberg Park, slated for early June, has been postponed. She is hopeful that it can take place once things begin to open.

Commissioner Brinton stated that after reading an email directed to the Board from residents regarding the construction of a new fire station for Western Salisbury Fire Department, she “takes exception” to the opinion that the Board was being deceptive in any way. She noted that this is an on-going issue and has been discussed at various public meetings. Commissioner Brinton also commented that alternative locations for the new station had been sought, including where the current station sits; however, since the Swain School owns that land [Mr. John Kelly noted at the meeting on June 11, 2020 that the deed contains a reverter clause, but Western Salisbury Volunteer Fire Company owns the land], putting an investment in a building on a piece of property that the

Township does not own, was not something the Board was comfortable with. She also commented that the Eisenhower location where WSFD currently stores equipment and holds trainings is extremely small.

Mr. Jeffrey Seybolt of 2756 Andrea Drive expressed concerns about the location of the new fire station, which is currently proposed on a portion of Green Acres Park. He stated that he only heard about the new fire station when the property was posted on May 18<sup>th</sup>, announcing the Zoning Hearing Board meeting. Mr. Seybolt noted that while he supports WSFD, he is opposed to having the new fire station constructed in Green Acres Park. Mr. Seybolt commented his opinion is that the project needs to be stopped in order to maintain the land as a community park.

Mr. Seybolt inquired if the Commissioners are willing to consider a new plan that does not interfere with Green Acres Park. The Board members stated that they were open to discussion. Commissioner Brinton noted that she was glad residents are coming forward now because the Board was under the impression that the neighborhood would want to have an updated fire station in that location.

Ms. Marilyn Hazelton of 2740 Andrea Drive inquired about the loan from the USDA for the fire station and where it stands.

Ms. Bonaskiewich stated that obtaining a USDA loan is a very extensive process (like applying for a Grant), and the first step is a pre-application. She noted that the USDA wants to see a lot of information up front to know if the Township can even move forward with applying for the loan, and the information was submitted over a month ago. Mr. Ziegenfuss commented that he has heard back from the representative at the USDA and the Township is nearing the end of the approval process for the pre-application. He noted that the money is not approved or signed over yet as it is still in the preliminary phase. Ms. Bonaskiewich stated that if the Township looks at other options, it would hold up the process. Mr. Ziegenfuss stated that he could reach out to the USDA representative for some feedback on how changing locations would impact the loan.

Ms. Hazelton commented that there seems to be more time for discussion than was originally thought, and she thanked the Board for being open to discussion.

Mr. Michael Greenholt of 724 Emerson Street suggested that the Board change the method in which people are notified about upcoming projects like the fire station. He stated that he did not know about the new station until he received the notice about the Zoning Hearing Board meeting. Mr. Greenholt noted his opinion is that any structure in the area would be disruptive to the character of the neighborhood. He inquired what other sites were looked at and in viewing the call logs or history, it does not appear there are many calls in that area.

Mr. Nicolo stated that the current site of the fire station is centrally located in the west side of the Township. He stated that it would not be advisable to have the station at one end of the west side (near LVH) because it would increase the call time should they get a call further away. Mr. Nicolo reiterated that it is important for the new station to be central. He stated that he searched locations for the new building, and as far as Township-owned property goes, there are not many options on the west side.

Mr. Chad Ekdahl from 2529 Green Acres Drive noted that he is also opposed to the location for the proposed fire station. He stated that he is not against the Fire Department, only the location that has been chosen. Mr. Ekdahl stated that he would support the expansion of the original station, but inquired if WSFD needs something that large. He also suggested re-approaching the Swain School so maybe the current station can be reworked.

Mr. Nicolo stated that the design of building was based on a study with a consultant and the outcome is what would be needed to properly function.

Commissioner Conn noted that the Township had to consider what equipment was there, including the very large ladder trucks. He commented that the “reverter clause” language with the Swain School was the biggest thing that caused the hesitation to build on the Swain land. Commission Conn explained that if the Township would build a fire station on that land, and then we no longer need to use it as a fire station, the Township would lose the entire investment because the land reverts back to the Swain School. Mr. Ekdahl suggested going back to Swain School to possibly rethink the reverter clause.

Commissioner Seagreaves asked when the last time it was they spoke with the Swain School. Western Salisbury Fire Chief, Joshua Wells, stated that the last meeting took place between the Fire Department, the Swain School and the Township and the meeting did not go well. Ms. Bonaskiewich stated that the Township was looking for a positive outcome in order to help the fire station and the meeting was not helpful.

Ms. Elizabeth Collins of 1040 Hawthorn Road commented that she believes the communication regarding construction of a 13,000 square foot building should be done by sending something via US mail to the surrounding neighborhoods like Saddlebrook, Green Acres, and Buckingham. She also inquired about finding a different area for the new station.

Chief Wells commented that it takes time for volunteers to get to the station and the location is best for all members in order to staff the fire engines in an appropriate amount of time. He noted that he does not believe the volunteers could get to a location by LVH fast enough to take care of an emergency.

Ms. Collins inquired as to why they need a bigger facility than what is there. Chief Wells stated that there is currently only one bathroom, one office, and one crew room that has major mold issues. He noted that the study looked at the future of the Township and the new station is incorporating the current station as well as the smaller location on Eisenhower Avenue.

Ms. Collins inquired if the Township has thought about doing away with a volunteer fire company. Chief Wells stated that the Township’s tax base cannot support that idea. Commissioner Seagreaves noted that volunteers save millions of dollars each year.

Ms. Collins inquired about how the Township is going to communicate with the residents going forward. Commissioner Brinton noted that residents should check the Township website for Board meeting agendas. Ms. Bonaskiewich noted she could try and create an email list comprised of the interested parties for this situation.

The Board noted they would be open to meet with the Swain School to revisit reverter clause.

Ms. Collins commented that the Township should reach all demographics in the neighborhood with active communication. Ms. Bonaskiewich stated that notification could be sent through an email blast to all residents. Ms. Collins noted that multiple avenues should be taken for communication and there should not just be one source. Commissioner Brinton inquired how the Township would know who should get a written notification and who should not.

A discussion ensued about how the Township can better communicate with residents.

Commissioner Brinton commented that an in-person public meeting will be held in the future regarding this matter so all voices can be heard.

Mr. Donald Didra expressed concerns about the pollinator meadow in Lindberg Park. He stated that he does not believe it is a pollinator meadow anymore because of all the weeds that grow up to six feet tall. He also expressed concerns about it being a health hazard and requested that it be cut down or the weeds be pulled.

Ms. Bonaskiewich stated that the pollinator meadow had to be replanted twice because it did not take. She noted that she has had discussions with DCNR because the Township cannot get it to establish and it would be very costly to maintain the meadow in order to establish the wildflowers. Ms. Bonaskiewich stated that DCNR agreed and at this point, she believes the Township should consider alternatives to be rid of the pollinator meadow.

Mr. Didra inquired what the Township can do about it now because he believes it to be a safety concern. Ms. Bonaskiewich stated that she will follow-up with Mr. Andreas and could arrange to have it cut down. She noted that she will be in touch with Mr. Didra.

Mr. Richard George of 1611 Bobalew Trail stated that he owns property on Bobalew with a pond, and when the development was created, there was an underground water line that ran from the top of the hill to the pond and filled it with fresh spring water. He commented that during the construction of a new house at 1651 Bobalew Trail, the contractor broke the pipe. Mr. George stated that the contractor put a piece of PVC tubing on it and ran it to the back of the woods so the pond is not getting water and is now becoming stagnant.

Mr. George requested someone from the Township communicate with the contractor in order to fix the pipe. Ms. Bonaskiewich stated that the Township is following up on the situation and Mr. Nicolo has reached out to the contractor again. She commented that it is her belief the contractor is amenable to working with the Township, but noted it might be difficult to correct the situation because the foundation has interfered with the pipe. Mr. Nicolo commented that if the pipe is run around the foundation, it has to go up-grade. He also noted that he looked at the plans and there is nothing that showed the pipe, but he will continue to follow up.

Ms. Bonaskiewich announced that the Board meetings will continue to be held on Zoom until further notice due to the continued restriction on gathering sizes.

### **ADJOURNMENT**

Commissioner Conn made a motion to adjourn the meeting. Seconded by Commissioner Lipkin. The time was 9:15 pm.



Respectfully submitted,

Cathy Bonaskiewich  
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on May 28, 2020.

Approved and certified on this date:

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Cathy Bonaskiewich

Date: \_\_\_\_\_

SEAL