

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
June 25, 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
John Ashley, Esquire, representative of Davison & McCarthy, Township Solicitor
David Tettermer, 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

Mr. Ziegenfus noted a small adjustment to the Bills List, bringing the new total to \$70,292.19.

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to approve the unaudited Financial Report for the period ending 5/31/2020 and the list of Bills Payable for the period 6/6/2020-6/19/2020, broken down as follows:

\$53,662.42 = GENERAL
\$192.94 = FIRE
\$0 = LIBRARY
\$4,921.31= WATER
\$7,031.72 = SEWER
\$264.00 = REFUSE & RECYCLING
\$197.80 = HIGHWAY AID
\$4,022.00 = CAPITAL GENERAL
\$70,292.19 = 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

June 11, 2020

Commissioner Brinton declared the Minutes of June 11, 2020 accepted as presented.

NEW BUSINESS

ORDINANCES

None.

RESOLUTIONS

Resolution to Appoint 5th Ward Commissioner to fill vacancy through 12/31/2021.

Ms. Bonaskiewich noted that five individuals applied to fill the 5th Ward vacancy and thanked everyone for their participation. The five candidates who applied are Mr. Michael Ciamacco, Mr. Andrew Katz, Mr. Kenneth Krasley, Mr. Alok Patnaik and Mr. Joshua Ravier. Ms. Bonaskiewich noted that while the process has been different that in previous years because of the current

restrictions, Board still has been able to review the resumes and interview questionnaires. She introduced Vacancy Board member, Mr. Dan Moyer who is in attendance in the event there would be a tie vote amongst the Commissioners.

Ms. Bonaskiewich explained that because there are five candidates, the Board members should nominate any candidate they would like to see considered. She noted that a motion, along with a second, is needed to make a successful nomination. If there is a motion with no second, the motion fails. Ms. Bonaskiewich stated that once there are no more nominations, that process is concluded and a short list will be created. The individuals on that short list are then going to be given the opportunity to briefly address the Board summarizing their interest. Ms. Bonaskiewich commented that once the candidate has addressed the Board and if there are no further questions, there will be a roll-call vote taken. For someone to be successfully appointed, he requires three affirmative votes.

Commissioner Conn made a motion to open the nominations. Commissioner Lipkin seconded the motion.

Commissioner Lipkin made a motion to nominate Mr. Andrew Katz. Commission Conn seconded the motion.

Commissioner Brinton made a motion to nominate Mr. Alok Patnaik. Commissioner Seagreaves seconded the motion.

Commissioner Conn made a motion to close the nominations. Commissioner Lipkin seconded the motion.

Roll Call:

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

The Motion to close the nominations passed by a vote of 4-0.

Mr. Katz and Mr. Patnaik both thanked the Board for the opportunity and provided the Board with brief introductions of themselves.

Commissioner Brinton inquired if the candidates are aware that the appointment of this vacancy is only through 12/31/21 and asked if the candidates are comfortable with going through the process of getting on the ballot. Mr. Katz stated that he is aware of that process and is fully committed to the Township. Mr. Patnaik stated that he is also aware and willing to go through the process.

Commissioner Conn asked each candidate to highlight any prior board experience. Mr. Katz responded that he has served on the Township's Civil Service Commission for approximately three years, and professionally, he has worked with various boards and committees relating to education. Mr. Patnaik stated that he currently serves as the Treasurer and a member of the Board of Trustees

for Western Salisbury Fire Department. He commented that professionally, he serves on the Lehigh Valley Chapter of the Association of Certified Fraud Examiners (ACFE).

Commissioner Seagreaves thanked the applicants and noted that it is a difficult decision as the Board could not go wrong with either applicant.

Roll Call:

COMMISSIONER LIPKIN – Andrew Katz
COMMISSIONER SEAGREAVES – Alok Patnaik
COMMISSIONER CONN – Alok Patnaik
COMMISSIONER BRINTON – Alok Patnaik

The Board voted 3-1 to appoint Mr. Alok Patnaik to fill the 5th Ward vacancy on the Board of Commissioners through 12/31/2021.

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to appoint Mr. Alok Patnaik to the Board of Commissioners to fill the vacancy in the 5th Ward through 12/31/2021.

Ms. Bonaskiewich commented that Mr. Patnaik will need to be sworn-in prior to the Board meeting on July 9, 2020.

MOTIONS

None.

PRIVILEGE OF THE FLOOR

Commissioner Brinton thanked the Department of Public Works for repairing the potholes on East Wayne Avenue.

Chief Soberick noted that the Police Department is continuing traffic enforcements throughout the Township and will continue to do so through the summer months.

Mr. Andreas stated that the modified hours at the Drop-off Centers will continue through July and noted that they will be closed on July 3rd and 4th.

Mr. Nicolo stated that he has received a response from DEP regarding the Township's MS4 Stormwater Annual Status Report for 2018-2019 and no issues or violations were found.

Ms. Bonaskiewich announced that the Township Municipal Building will be re-opening to the public on Monday, June 29th with restrictions in place. She stated that the tax office is a separate entity, and Ms. Linda Minger will be keeping her office closed for in-person business for the rest of the year. Ms. Bonaskiewich noted that Ms. Minger will have a few sitting dates at the end of the discount and gross periods, as well as at the end of the year. Ms. Bonaskiewich stated that she will post a new coronavirus statement on the Township's website that will include more specific information.

Mr. Nicolo stated that the Environmental Advisory Council will resume holding meetings in July.

Mr. Duane Wetzel of 317 N. 3rd Street, Coopersburg, expressed concerns regarding the Township's Knox-box Ordinance and commented that he had previously sent a letter to the Board outlining his concerns.

Commissioner Seagreaves summarized that Mr. Wetzel is opposed to the Township's Knox-box Ordinance because he believes the Township's Ordinance to be intrusive, whereas other municipalities are not. Commissioner Seagreaves also noted that Mr. Wetzel believes the Ordinance is discriminatory because it requires a Knox-box on multi-family homes and those homes are mostly occupied by low-income, multi-racial individuals.

Commissioner Brinton noted that the Ordinance was accepted in 2012 and commented that Mr. Wetzel has not yet complied. Mr. Wetzel stated that he installed a Knox-box on the exterior of his building, but was allegedly told that he did not have to provide keys because there was not a shared common area in the apartment building.

A discussion ensued regarding various Right-to-Know requests submitted by Mr. Wetzel. Commissioner Brinton commented that a request made in early June asked for a lot of information, and the Township had requested an extension until July 11, 2020 due to the amount of information requested and the Covid-19 pandemic. Ms. Bonaskiewich stated that the second request in late June was completed and mailed yesterday.

Commissioner Brinton inquired if Mr. Wetzel did in fact state that if he did not get the information he requested in previous Right-to-Know requests, he would submit another Right-to-Know request that would seek all salaries of Township personnel. Mr. Wetzel commented that he did say that, and stated that he believes it to be his right to request that information. Attorney Ashley noted that there are certain items that are not public information and therefore not required to be provided in a Right-to-Know request.

Mr. Wetzel stated that he was agreeable with the Knox-box containing keys to common areas, which is what other municipalities require, but not to individual apartments. Commissioner Lipkin asked why Mr. Wetzel has not complied with the Township Ordinance. He responded that because up until now, the Township has provided him with a grace period.

Commissioner Seagreaves noted that if Mr. Wetzel is requesting the Township to amend the Ordinance, he is against it. The other Board members agreed with that statement.

Mr. John Kelly, Trustee of Western Salisbury Fire Department, stated that the Fire Company has written to the Township suggesting the next steps for a new fire station, and while they have received a written response from the Township, he requested an update on the timeline for the next steps in the fire station project. Commissioner Lipkin noted that there is not a specific timeline as the Board has yet to review the whole project. Mr. Kelly asked for clarity and thoughts on the next steps. Commissioner Lipkin stated that the Board is working on it, but there is not timeline as the decision to not build at Green Acres Park only happened two weeks ago. She commented that it is a process and the Township must now start at the beginning.

Mr. Kelly requested that the Township start a dialogue with the Swain School if that is one of the Township's intended next steps. Commissioner Lipkin noted that in her opinion, the issue with the Swain School is between WSFD and Swain directly, as she believes the Township has no standing with Swain. Mr. Kelly requested a consensus of the Board before WSFD would pursue that action.

Commissioner Conn reiterated that he is concerned about the reverter clause, so if WSFD can get to the point where there is no reverter clause, he believes that to be a possible option. He also commented that the Township needs to take a look at what other properties are available on the west-side of the Township. Commissioner Seagreaves noted that east-side residents suggested the issue be placed on a referendum since the matter is a Township-wide financial responsibility.

Commissioner Brinton stated that she wants the fire station project to work out, but she believes the issue with the Swain School is between WSFD and Swain, not the Township. She commented that when ESFD was built, the land was donated by the school district, money was raised by the community, and the issue was put on a referendum, which is when the Fire Tax came about.

Ms. Bonaskiewich noted that her perspective is that the Township had a plan with momentum behind it and an agreement amongst the Board at the time to move ahead, but as of two weeks ago, that plan has been shut down. So now the Township has to step back and review other alternatives, along with bringing two new Board members up-to-speed. Ms. Bonaskiewich stated that the Board needs the opportunity to step back, regroup and discuss the issue. She stated that because it is a real estate matter, it is something the Board is privileged to discuss in an Executive Session.

Mr. Kelly inquired if WSFD pursues the reverter clause issue with the Swain School and can get it amended or removed, would the Township consider taking possession of that land. Commissioner Brinton replied that her opinion is that the Township would consider that option as a place to build as long as it is Township-owned land and as long as all of the surrounding neighbors understand that the building will become taller. Ms. Bonaskiewich added that she would want to see the reverter clause removed, not amended, so that WSFD owns the land free and clear and then the Township can have a dialogue with WSFD and go from there. Mr. Kelly stated that WSFD will take the next steps to pursue that issue with the Swain School they will be in contact. He requested that the Township keep in close contact with WSFD as it pursues other avenues as well.

Mr. Jeffrey Seybolt of 2756 Andrea Drive inquired as to why there was not a formal vote taken by the Board to agree not to build the fire station at Green Acres Park. Commissioner Brinton stated that when the Township spends money, the Board needs to officially vote on it; however, when the Township does not spend money, no vote is needed. Commissioner Brinton reiterated that the fire station will not be built on the empty lot at Green Acres Park (next to the playground and basketball courts), and noted that the only thing the Board voted on was spending money on an architect.

Mr. Seybolt commented that he was under the impression that the Township wanted to be involved with the discussions with the Swain School, and inquired why that has changed. Commissioner Brinton stated that upon closely reading the reverter clause and the deed, the Township is not mentioned at all and therefore has no legal standing in the matter. She commented the issue is

between the Swain School and WSFD, and once WSFD can get it worked out, then the Township can move forward with the project.

Mr. Seybolt inquired if the Township is looking to take over that location. Attorney Ashley stated that he does not believe the Township should get into a conversation about what would happen, but as of now, WSFD owns that land and the Swain School has the reverter clause. He commented that until the two of them work something out, there is no point for the Township to be involved.

Ms. Bonaskiewich noted that she believes the Board is just sharing thoughts at this moment, and they have not really had the opportunity to make any decisions. Commissioner Lipkin stated that the only thing the Board is sure of is that a new fire station will not be built at Green Acres Park.

ADJOURNMENT

Commissioner Lipkin made a motion to adjourn the meeting. Seconded by Commissioner Seagreaves. The time was 8:05 p.m.

Respectfully submitted,

Cathy Bonaskiewich
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on June 25, 2020.

Approved and certified on this date:

Cathy Bonaskiewich

Date: _____

SEAL