

**TOWNSHIP OF SALISBURY**  
**LEHIGH COUNTY, PENNSYLVANIA**  
**MINUTES FROM THE BOARD OF COMMISSIONERS**  
**August 13, 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 announced that there will be an Executive Session held after the Workshop to discuss a legal matter.

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  
Alok Patnaik

**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 Tetterer, representative of Keystone Consulting Engineers, Township Engineer  
Genny Baillie, Recreation Director

**NOTIFICATION**

Ms. Bonaskiewich welcomed the attendees to the regular meeting of the Board of Commissioners for August 13, 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 themselves muted to 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 for the purpose of taking down the Minutes.

### **APPROVAL OF THE LIST OF BILLS PAYABLE**

**Motion by Commissioner Seagreaves, seconded by Commissioner Patnaik, to approve the list of Bills Payable for the period 7/18/2020-7/28/2020, broken down as follows:**

\$91,562.44 = GENERAL  
\$16,008.39 = FIRE  
\$43,000.00 = LIBRARY  
\$3,490.37 = WATER  
\$183,041.31 = SEWER  
\$109,006.29 = REFUSE & RECYCLING  
\$244.84 = HIGHWAY AID  
\$58,884.98 = CAPITAL FIRE  
**\$505,238.62** = GRAND TOTAL ALL FUNDS

#### **Roll Call:**

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

**The Motion passed by 5-0.**

### **MINUTES**

#### **July 23, 2020 and July 28, 2020**

Commissioner Brinton declared the Minutes of the Regular Meeting on July 23, 2020 and the Special Meeting on July 28, 2020 accepted as presented.

### **NEW BUSINESS**

#### **DECLARATION – Ratify Declaration of Disaster Emergency.**

Ms. Bonaskiewich stated that due to Tropical Storm Isaias on August 4, 2020, Emergency Management Director Jeff Tapler declared a disaster emergency for Salisbury Township. She noted that the Township can declare an emergency in the event there are aftereffects that would need to be addressed and the Township could potentially be eligible for assistance. A vote is needed to ratify the declaration.

**Motion by Commissioner Conn, seconded by Commissioner Lipkin, to ratify the Declaration of Disaster Emergency as a result of Tropical Storm Isaias on August 4, 2020.**

**Roll Call:**

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

**The Motion passed by 5-0.**

**ORDINANCES**

**Zoning Ordinance Amendment.**

Ms. Bonaskiewich reminded the Board that a Public Hearing was held during the meeting on July 23, 2020 to allow for public input on the proposed revision to the Zoning Ordinance. She noted that the revision relates to temporary structures and will streamline the process by giving more flexibility to the Zoning Officer in approving those applications. Ms. Bonaskiewich commented that it also allows the Zoning Hearing Board a little more oversight to grant approval by Special Exception rather than Conditional Use. The revision also allows a little more flexibility during times of emergency declarations without requiring a zoning permit.

Ms. Bonaskiewich noted that the Township did receive comments from the Lehigh Valley Planning Commission, and they are in full support of the change.

**Motion by Commissioner Lipkin, seconded by Commissioner Patnaik, to adopt Ordinance No. 08-2020-630, amending Section 807 of Chapter 27 of the Salisbury Township Code of Ordinances with respect to temporary tents, structures or uses.**

**Roll Call:**

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

**The Motion passed by 5-0.**

**RESOLUTIONS**

**Resolution to Approve Revision to the Official Sewage Facilities Plan of the Township.**

Ms. Bonaskiewich stated that because the Township is a signatory to the City of Allentown's Kline's Island Wastewater Treatment Plant, the Township must revise its Act 537 Plan to

acknowledge the City of Allentown's plans for a re-rate of the hydraulic capacity of the treatment plan and incorporate the language into our "Official Plan".

**Motion by Commissioner Lipkin, seconded by Commissioner Conn, to adopt Resolution No. 08-2020-1684, approving a revision to the Official Sewage Facilities Plan of the Township.**

**Roll Call:**

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

**The Motion passed by 5-0.**

**MOTIONS**

**Motion to Authorize Keystone Consulting Engineers to Conduct Smoke Testing in Eastern Salisbury Township's Drainage Basin 10 Area.**

Ms. Bonaskiewich stated that in ongoing efforts to identify and potentially reduce or address I&I into the sewage system, the Township is moving forward with conducting smoke testing in the Eastern part of the Township, specifically in the Basin 10 area. She noted that as Keystone Consulting Engineers reviews the area itself, they will be better able to map out where to go next and it will be a work in progress. Ms. Bonaskiewich commented that Keystone's estimate is not to exceed \$43,193.

Commissioner Brinton inquired if the water goes in the sewage system after a very heavy rainfall, like was experienced with Tropical Storm Isaias. Mr. Tetterer commented that most of the water gets to the creek and is taken away. He explained that this project is intended to eliminate roof drains and sump pumps that discharge into the sanitary sewer system and to discharge at grade instead. Mr. Tetterer noted that the goal is to seal up the system as much as possible to eliminate any stormwater infiltration to the sanitary sewer system.

Mr. Nicolo noted that the Ordinance states stormwater should drain into a vegetated area, but the Township could make an exception to allow it to drain into the street if circumstances warranted.

Commissioner Conn inquired about who is responsible for leaks in the sanitary sewer cleanouts. Mr. Tetterer stated that if it is on the resident's property, the resident is responsible; if it is in the right-of-way, the Township handles it.

Commissioner Patnaik questioned if the dispute between the City of Allentown and Lehigh County Authority had any impact on what the Township is trying to do with this project. Mr. Tetterer responded that no, they had a billing dispute which was between them and will not affect the Township in any way.

**Motion by Commissioner Conn, seconded by Commissioner Lipkin, to authorize Keystone Consulting Engineers to conduct smoke testing in Eastern Salisbury Township's Drainage Basin 10 area, for an amount not to exceed \$43,193.**

**Roll Call:**

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

**The Motion passed by 5-0.**

**PRIVILEGE OF THE FLOOR**

Commissioner Patnaik brought forth concerns from a resident about public urination at Green Acres Park. He surmised that it could be occurring because the bathrooms are closed and noted that Ms. Bonaskiewich is aware of the issue. Ms. Bonaskiewich stated that there are port-o-lets at Lindberg Park and Laubach Park which have been there for a few years, mostly for the convenience of the Department of Public Works' employees and the Police Officers when they are out on the road. She stated that the Township does not have any intentions of reopening restrooms at the parks.

Ms. Bonaskiewich commented that she is unsure of a good location for a port-o-let at Green Acres Park. She explained that the port-o-lets at Laubach and Lindberg Parks are in a removed area in the parking lots, not in the green space of the park itself. Ms. Baillie noted that even if a port-o-let is erected, it will not necessarily eliminate public urination. A discussion ensued regarding the location of a port-o-let and Commissioner Patnaik suggested to wait and see if there are any other complaints and, in the meantime, the Department of Public Works could look at the site for a feasible location.

A discussion ensued regarding the liability of a port-o-let versus the opening of the bathrooms.

Commissioner Patnaik thanked the Department of Public Works for additional trashcans in the park.

Mr. Jared Tierno of 3096 Essex Road commented that he is a volunteer with Western Salisbury Fire Department and they are constantly approached by citizens requesting to use their restroom. He suggested erecting a port-o-let by the restroom facilities at pavilion. Mr. Tierno also expressed concerns about trash at the park.

Commissioner Seagreaves thanked the Department of Public Works for their cleanup efforts with recent storms.

Chief Soberick commented that all of the Township's First Responder entities worked well together during the recent storms.

Ms. Baillie updated the Board regarding ballfield permits. She commented that she has issued permits for ballfields to Salisbury Youth Association and Hamilton Park, but noted that recently, Governor Wolf has changed his guidelines to suggest that youth groups and school groups should not participate in sports until January.

A discussion ensued regarding issuing new permits and/or revoking current ones. Ms. Bonaskiewich noted that the Township has been following Governor Wolf's recommendations from the beginning of the pandemic and she is closely monitoring the situation. It was the consensus of the Board to uphold the current permits but to not issue any new ones.

Mr. Ziegenfus stated that a partner of the Township's auditing firm, Mr. Dale Kirk, passed away suddenly, but noted that he does not expect any delay in the audit. He also commented that he will have more information regarding the Fire Department audits at the next meeting.

Mr. Andreas thanked the Board for their positive reinforcement and acknowledgement of the work done from the storm damage. He also thanked the police for working together during the recent storms.

Ms. Nichol Destremps of 609 Ryan Drive stated she bought her home in 2005 and was assigned to Salisbury Township, but she has recently discovered that she, along with three other homes, actually reside in South Whitehall Township. She stated that after looking at various maps which were all aligned with no discrepancies, she reached out to the Lehigh County Assessment Office who agreed with the maps and advised Ms. Destremps to contact the two Townships and have them agree on what line to use. Ms. Destremps stated that she wrote letters of intent to both Townships asking to be appropriately moved to South Whitehall, but received responses back from each Township Manager stating that legal counsel is needed in order to have this done.

Ms. Destremps commented that she has since spoken to the Superintendent at Parkland School District as well as attorneys from their title insurance company, Millstone Abstract, who agree that the correct step is for the Townships to send letters to the assessment office to make the change and it can be handled at the Township level. Ms. Destremps stated that she also reached out to Representative Ryan Mackenzie who advised her that municipalities inform the assessment office of the change, and instructed her to write letters to the Boards of both Townships with the evidence and there is no need for litigation or a lawyer as it is a task done at the municipality level. She commented that whether the error occurred five months ago or fifteen years after the home was bought, it should be corrected.

Commissioner Brinton expressed concerns that Ms. Destremps is requesting the task to be completed in the next week. Ms. Destremps stated that the only reason is that there are five children impacted by the start of school.

Mr. John Hrebik of 601 Ryan Drive stated that his house physically sits in South Whitehall and only a small portion of his property is Salisbury. He commented that he would like to be considered a resident of South Whitehall Township, and he is one of two families who have no school-age children, so the school district has no bearing on their request.

Commissioner Brinton inquired who would have made the decision 15 years ago to have the properties located in Salisbury Township versus South Whitehall. Attorney Ashley noted while he is unsure what had transpired in the past, there are provisions that when a builder constructs a home, they select a municipality and that becomes a permanent decision. He stated that if the property owners believe they should be in a different Township, it is up to them to take the steps to have it changed. Attorney Ashley also commented that he has looked into the matter and the Township cannot just write a letter; it is not that simple.

Mr. Richard Destremps commented that when looking at the maps, it is very clear and obvious that four homes were mis-assigned. He alleged that according to the research done by two Township Managers, they have found no reason as to why the homes were assigned to Salisbury in the first place. Mr. Destremps stated that they have consulted with a total of four real estate attorneys, which lead to the consulting of the attorneys at the title insurance companies, who stated that reassignment occurs by the Township managers writing letters to the Assessment office.

Ms. Destremps noted that the pa.gov website has their home listed in South Whitehall, which means that at a State level, they are in South Whitehall Township. She stated again that none of information she has obtained suggests that legal counsel needs to be involved.

Commissioner Brinton inquired again about how this situation would have happened. Mr. Tettemer noted that he was not the Township Engineer at the time, but one of the issues is that the exact location of the Township line has not been fully agreed upon between South Whitehall and Salisbury and it varies by 30 to 40 feet. Mr. Tettemer inquired if residents have looked to see what was shown on the original subdivision plan. Mr. Destremps replied that they received the official map from the Township from 1996 and the homes are shown in South Whitehall Township.

Ms. Bonaskiewich stated that the Township is sympathetic to the situation and are trying to find the right channel to go about making the change. She noted that at the most basic level, the First-Class Township Code states that the residents have to appeal to the courts and one of the issues they have to appeal to the courts for is to ascertain and establish disputed lines and boundaries between Townships. Ms. Bonaskiewich commented that when this plan went in, these properties were designated as Salisbury, and even after doing research internally and reaching out to the Township Engineer at the time, the Pidcock Company, we do not know why it was assigned that way. She noted that she cannot say it was a mistake; it is just what was done.

Mrs. Caliendo of 3006 Mosser Drive stated that no one is disputing where the line is because it is clear they were assigned to the wrong Township, and she would like to see it corrected.

Commissioner Brinton noted that the people are not disputing where the line is, they want the Townships to abide by where the line is. She inquired that since we are not changing the lines, can the Township just approach the Assessment office.

Mr. Nicolo stated that Land Development plans get reviewed by a lot of people at both Townships, and he believes if it was a mistake, it would have had to have been seen or caught by somebody. He noted that while we do not have the exact reasoning as to why this happened, it is hard to imagine it was a mistake that would have been missed.

Commissioner Patnaik noted that a discussion outside of the meeting might be more appropriate because it probably will not be decided at this time.

Commissioner Brinton asked Attorney Ashley if he could ascertain if those are the correct property lines and if it is as easy as what these residents have been told. He replied that he can research it and see what the standards are. Ms. Bonaskiewich noted that one of the reasons it cannot remain at this level is because Salisbury and South Whitehall might not agree on the outcome. She stated that is why another party needs to research the situation and come up with an answer and believes it should not be taxpayer dollars to have Salisbury's Solicitor or South Whitehall's Solicitor come up with a solution. Ms. Bonaskiewich commented that both Solicitors have agreed that the decision does not rest at this level because the Townships could have two different perspectives.

Mr. Destremps requested to resolve the issue at the Township level so the four families would not have to incur the cost of counsel. He commented that the most sympathetic, empathetic move the Township could do is to write a letter of intent just to allow the kids to start school in Parkland and then take the time to research the matter and figure out what needs to be done.

Mr. Tierno commented that he believes the Township should fix the issue as the families are taxpayers.

Ms. Bonaskiewich noted that her opinion is that it is a legal matter and the residents have to file the proper documentation. Attorney Ashley reiterated that there are provisions in the code that allow the developer to make certain decisions regarding the municipalities and that selection is binding on the lot forever.

Commission Lipkin noted that how or why it happened at this point is immaterial. Commissioner Brinton stated that the Board is sympathetic to what is happening, but the Township must follow the law and there will be ongoing discussions on the matter.

Mr. John Kelly, trustee with Western Salisbury Fire Department, provided an update regarding passing ownership of the existing Swain Station to the Township in order to build a new fire station at that location. He stated that he believes they arrived at language agreeable to all parties in order to continue to use the location as an emergency services location now and in the future. He noted that this did include modifications to the reverter clause which would allow the Township to use the location for emergency services or a community building (should it no longer be used as Western Salisbury Fire Department). Mr. Kelly stated that WSFD understands this was discussed by the Board in an Executive Session and the Board decided not to pursue this location any further. He requested to include Jerry Royer as a WSFD representative as the Township considers multiple sites, and that Mr. Royer could sign a nondisclosure agreement, if needed, to ensure confidentiality is maintained.

Mr. Kelly stated that since the Green Acres Park location was removed as a possible site, WSFD has gone back and assessed their needs as defined in the Emergency Services study. He commented that the Fire Department can achieve the square footage and functionality recommended with a two-story addition to the Swain location. He commented that the Fire Department understands the reverter clause is a barrier, but noted that they have taken additional steps to resolve the issue. He inquired if there are other concerns, other than the reverter clause, at the current Swain location that caused the Board to remove it from consideration.



Commissioner Seagreaves stated that the size of the lot, the fact that the Swain School will be changing hands and the unknown with the reverter clause because it was pretty strict as to the usage of the land.

Commissioner Conn noted that there are conditions that have not been removed from the reverter clause, and while it is this Board's intent to use the land for emergency services, we do not want to handcuff that decision to future boards.

Mr. Joshua Wells, Fire Chief of WSFD, noted that all entities of the Township worked well together as one team during the recent storms.

Mr. Duane Wetzel of 317 N 3<sup>rd</sup> Street Coopersburg stated that he has continued to talk to residents regarding the Township's Knox-box Ordinance and noted that he has contacted Representative Jeanne McNeill and Senator Lisa Boscola. Mr. Wetzel commented that he received correspondence from the Township via a Right-to-Know request concerning a list of around 60 people who have access to the Knox-box, but expressed concerns that only a handful of those people have background checks. Commissioner Seagreaves noted that every volunteer firefighter who has access to the keys must undergo background checks, as well as all of the Police Officers. Mr. Wetzel responded that the employee who supplied the list must be unaware of that requirement. Chief Wells explained that the employee who sent the information was only referring to Township Fire Inspections, but all members of both Fire Departments have background checks prior to being voted in as members.

Mr. Nicolo commented that the Knox-box Ordinance does have a provision in it that allows individuals to make an appeal to the Building Code Board of Appeals. He noted that if an appeal is made and the decision does not go in favor of the applicant, the applicant can then appeal that decision and go to the Court of Common Pleas to hear their case in front of a judge. Mr. Nicolo stated that the Township has given Mr. Wetzel years to comply with the Ordinance and no other property owners have had any issues with the Ordinance.

Mr. Val Skvasik of 1011 Public Road expressed concerns about the condition of Public Road. Mr. Andreas responded that the Department of Public Works has been doing restoration and storm-damage repair in the area by raising the inlets, milling it, prepping it and getting it ready to be over-laid in the near future.

Mr. Skvasik stated that there is a dying Ash tree in an easement behind his house and inquired whose responsibility it is to maintain that area. Mr. Andreas commented that while it is an easement, it is the property owner's responsibility to maintain it.

Mr. Skvasik alleged that his neighbors are shining lights on his property from dusk to dawn and believes the Township has failed to address the issue. Commissioner Seagreaves commented that if there are no zoning laws or police laws regarding the matter, the Township cannot enforce anything because there is no jurisdiction. Mr. Nicolo noted that he received emailed pictures from Mr. Skvasik and stated that because he did not see what the issue was from the pictures provided, he requested that a Police Officer observe the property. He stated that the Officer did not believe there to be a problem with the lights. Commissioner Briton commented that the issue is a private matter between neighbors.

**ADJOURNMENT**

Commissioner Conn made a motion to adjourn the meeting. Seconded by Commissioner Lipkin.  
The time was 9:26 p.m.

Respectfully submitted,

Cathy Bonaskiewich  
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held  
on August 13, 2020.

Approved and certified on this date:

\_\_\_\_\_  
Cathy Bonaskiewich

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

SEAL