

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
REGULAR MEETING – 7:30 PM  
SEPTEMBER 24, 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-Excused  
James Brown, Vice-President  
Robert Martucci, Jr.  
Norma Cusick  
Dominic Giles

**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 Tetterer, representative of the Township Engineer.

**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 and are available pursuant the Right-to-Know Law.

Mr. Soriano reminded everyone of the three-minute rule and asked that everyone should sign in and announce themselves and speak in the microphones.

**APPROVAL OF FINANCIAL REPORT AND BILLS PAYABLE**

**On motion of Commissioner Cusick, seconded by Commissioner Martucci, the Board of Commissioners voted unanimously to accept the Financial Report for the period ending August 31, 2009 and to approve the Bills Payable for the period 09/05/2009 through 09/18/2009.**

**MINUTES**

**September 10, 2009**

Commissioner Brown declared the September 10, 2009 Board of Commissioners Meeting Minutes approved as presented.

**NEW BUSINESS**

**ORDINANCES**

None

**RESOLUTIONS**

None

**MOTIONS**

**Consideration of a Motion to renew the Lease Agreement with Mr. Charles Durner.**

Mr. Soriano noted that the Board would need to formally renew the current Lease with the current caretaker Charles Durner. Mr. Soriano explained that the Board needed to clarify certain issues in the Lease in the event Mr. Durner is unable to fulfill his obligation under the Employment Agreement. Mr. Soriano noted that the Lease Agreement should also contain language that would address the relationship of his wife and conditions thereof should something happen to Mr. Durner. Mr. Soriano noted that currently the Lease Agreement is between him, the Tenant, and the Township. The Lease sets only specific terms on the arrangement for Tenant. However, it is silent on what would happen if he should die prior to his wife. Mr. Soriano noted that his wife currently resides with him.

Mr. Soriano noted that the Lease Agreement has been revised accordingly to add the following language:

*“In the event that Tenant is no longer willing or able to perform the obligations required of him under his Employment Agreement, then six (6) months from the date of Tenant’s notice that he will no longer be performing those obligations, or notice that Tenant is no longer physically or mentally able to perform those obligations, Tenants both shall vacate the Caretaker’s Quarters. Furthermore, should*

*Tenant become permanently disabled or deceased during the term of this Lease, with permanent disability being a condition that precludes Tenant from performing his duties for a period of at least six (6) consecutive months, then the Tenants shall both vacate the Caretaker's Quarters and Premises within three (3) months after the date when the permanent disability and/or death is deemed to commence, unless said time period is extended by Owner."*

**Commissioner Cusick made a motion to renew the Lease, as revised, with Charles Durner for the Franko Farm House. Motion seconded by Commissioner Giles. Motion passed by unanimous voice vote.**

**Consideration of a Motion to sign the Letter Agreement with South Whitehall Township Authority for reimbursement of legal and engineering costs associated with the Patricia Drive Pumping Station Elimination Project.**

Mr. Soriano noted that Attorney Ashley had been unable to obtain any information on the estimated costs associated with the engineering and legal review for the project. Mr. Soriano stated that he followed up with a letter to the South Whitehall Township Manager requesting some "ballpark" figures that the Township would need to budget to cover these expenses. Mr. Soriano stated that, to date, he has not received any follow up. Attorney Ashley cautioned that he would be apprehensive of recommending signing an Agreement that does not contain an estimated amount that the Township may be exposed to.

Mr. Andreas addressed the issue by noting that the Township already agreed, in a letter, to accept the costs in order to move the project forward, but it is not formalized in an official agreement, which South Whitehall was looking for. He also explained that the project was to eliminate a pump station and flow it through a gravity system that would extend into South Whitehall's system. This project would eliminate the need for pump station rehabilitation or reconstruction as well as ongoing maintenance and costs associated with operating the pumping station.

After some discussion, several members of the Board suggested not to act on this matter at this time due to the lack of financial information and potential exposure for the Township.

**Commissioner Cusick made a motion to Table the Letter Agreement with South Whitehall Township Authority for reimbursement of legal and engineering costs associated with the Patricia Drive Pumping Station Elimination Project pending receipt of cost estimates. Motion seconded by Commissioner Martucci. Motion passed by unanimous voice vote.**

**Consideration of a Motion to accept the 2010 Minimum Municipal Obligation as presented by the Chief Administrative Officer for the Police Pension Plan and Non-Uniformed Pension Plan.**

Mr. Soriano noted that the Chief Administrative Officer (CAO) of the Pension Plans, Cathy Bonaskiewich, has communicated to the Board the certification of the costs for 2010 associated with both the Police and Non-Uniformed Pension Plans. The Board will need to accept this certification by a Motion as evidence that the CAO has satisfied this legal requirement.

Mr. Soriano stated that the calculation of the 2010 plans cost, 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. Mr. Soriano noted that data utilized to complete the MMO is from the Actuarial Valuation Report of 1/1/09, and the CAO has indicated her best estimate for the 2010 MMO. The Board can change these numbers at future budget meetings. Mr. Soriano stated that the amount calculated in the MMO must be budgeted for 2010. Mr. Soriano noted that the cost can be offset by State Aid received in 2010. Mr. Soriano noted that the State Aid unit value is expected to decrease by 1.8% which will translate to less State Aid in 2010, further increasing the Township's financial obligation through the General Fund. Mr. Soriano noted that the State Legislature also passed Act 44 of 2009 amending Act 205 of 1984 allowing for an actuarial value of assets smoothing method to increase to 130%, up from the previous 120%. Mr. Soriano noted that this will be used with the 1/1/09 Act 205 Valuation Report. Commissioner Martucci inquired as to how much the employee contributions bring in to offset the costs. Mr. Soriano noted that, for example, if the Board does not eliminate employee contributions for the Police Pension, this will net approximately \$50,000. Mr. Soriano cautioned the Board that the existing Collective Bargaining Agreements do have provisions for allowing the current contribution level and it may be hard to impose these without opening up the agreements.

**Commissioner Cusick made a motion to accept the Certification of the 2010 MMO for both the Non-Uniformed and Police Pension Plans. Seconded by Commissioner Martucci. Motion passed by unanimous voice vote.**

**Consideration of a Motion to approve the Bylaws of the Salisbury Township Environmental Advisory Council.**

Mr. Soriano noted that the EAC has finally completed the Bylaws that will govern their affairs. The enabling legislation required that the ByLaws be approved by the Governing Body. Enclosed is the final version as accepted by the STEAC at their September 16, 2009 meeting. A formal approval by the Board must follow. The By-Laws are as follows:

## **"SALISBURY TOWNSHIP ENVIRONMENTAL ADVISORY COUNCIL BYLAWS**

### **Article I. Name and Location**

*The name of this organization shall be the Salisbury Township Environmental Advisory Council ("EAC"), and its principal place of business shall be 2900 S. Pike Avenue, Allentown, PA 18103.*

### **Article II. Authorization**

*The authorization for the establishment of this EAC is set forth by the Salisbury Township Ordinance No. 02-2009-546, enacted on February 12, 2009.*

### **Article III. Purpose**

*The EAC duly organized under these Bylaws shall have the power to study environmental issues at the request of the Board of Commissioners of Salisbury Township ("Board") and to make recommendations to the Board on those issues. The EAC will work with the Board in an advisory capacity in an effort to help them analyze environmental issues and provide recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Salisbury Township ("Township").*

### **Article IV. Membership**

- 1) *The EAC is composed of five voting members, chosen to serve three year staggered terms and appointed by a majority vote of the Board. These members shall reflect the geographic, demographic, technical, and non-technical backgrounds of the citizens of the Township. Members shall be selected from the Township five (5) Wards. The five voting members appointed by the Board shall be eligible voters residing within the Township.*
- 2) *The Board will select among themselves one Commissioner to attend meetings and to serve as a member of the EAC in a nonvoting capacity. The Commissioner cannot be an officer of the EAC, and his or her presence shall not count towards determining a quorum. The Commissioner shall receive all notices and communications provided to voting members of the EAC.*
- 3) *The Board will utilize its best efforts to appoint to the EAC in a nonvoting capacity one member of the Planning Commission. The Planning Commissioner cannot be an officer of the EAC, and his or her presence shall not count towards determining a quorum. The Planning Commissioner shall receive all notices and communications provided to voting members of the EAC.*
- 4) *The terms of office for any member of the EAC, who also serves as a member of another board or commission of the Township, shall be for one (1) calendar year commencing with their appointment by the Board. Prior to the expiration of the term of appointment, the Board and the Planning Commission shall provide the Board, in writing, with a recommendation for one of their members to be appointed to the EAC but the Board shall make the final determination as to the membership of the EAC.*
- 5) *Any vacancy on the EAC, except Chair, shall be filled at the earliest convenience of the Board. A vacancy of the Chair shall be filled automatically by the Vice-Chair at the time of the vacancy.*
- 6) *EAC members having three or more unexcused absences in a calendar year may be replaced by the Board. Notification of potential dismissal from the EAC shall be mailed by the Chair to the affected board member following a second absence within a calendar year.*
- 7) *Throughout their term on the EAC, all EAC members must notify the EAC and the Board of any potential conflicts of interest that could result in personal or professional gain either directly or indirectly to them, their families, or associates, by their involvement with the Council.*

### **Article V. Meetings and Voting**

- 1) *Monthly meetings. Regular meetings of the EAC shall be held at the Salisbury Township Building at 2900 S. Pike Avenue on the third Wednesday of each month at 7:00 PM. Notice of meetings of the EAC shall be posted at the Salisbury Township Building, posted on the Township website and advertised in a newspaper of general circulation at least seven days prior to each meeting.*
- 2) *Special Meetings. Special meetings may be requested by the Chair, or by a majority of the EAC members. Such special meetings shall be held at the Salisbury Township Building at such date and hour as may be designated by the person or persons authorized herein to call such a meeting. Notice of special meetings of the EAC shall be posted at the Salisbury Township Building and advertised in a newspaper of general circulation at least twenty-four hours prior to each meeting.*
- 3) *Written or phone notice of such a special meeting shall be given by the Secretary to the EAC members at least twenty-four hours prior to the special meeting.*

- 4) *Quorum. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice. A quorum shall consist of three of the current voting members. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the EAC.*
- 5) *Voting. Each voting member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.*
- 6) *Notes: notes from meetings will be kept and copies of the meeting's notes will be sent to the Board and each member of the EAC. Notes/minutes will also be available for public inspection and kept on record at the Municipal Building.*
- 7) *Any Code of Conduct of the Township approved by the Board shall apply to the EAC and all of its meetings.*
- 8) *All meetings or portions of meetings shall be open to the public and subject to the Sunshine Act. The EAC may meet in closed session for any of the limited exceptions provided in section 707 of the Sunshine Act, as amended.*

**Article VI. Officers and Compensation**

- 1) *Officers. The officers of the EAC shall be Chair, Vice-Chair and Secretary. The Board shall annually designate the Chair of the EAC. The EAC shall elect from their members a Vice-Chair at the first meeting of each calendar year. Officers shall serve for one year or until their successors are elected. The Secretary shall not be a voting member.*
- 2) *Chair. The Chair shall preside at all meetings of the Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the bylaws and regulations of the EAC. He/she shall be the official spokesperson for the EAC.*
- 3) *Vice-Chair. The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.*
- 4) *Secretary. The Secretary will be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the EAC of all facts on matters before the EAC, keeping on file all official records and reports of the EAC, keeping written records of EAC meetings, transactions and actions, serving required notice of all public meetings and public hearings, maintaining and circulating minutes, reporting on and attending to correspondence of the EAC and carrying out others duties as assigned by the EAC. The Township Manager (or designee) shall serve as Secretary.*
- 5) *Compensation. No board member shall receive any salary or payment for his/her services. Financial support of the EAC shall be provided by the Township with the approval of the Board.*

**Article VII. Duties of Environmental Advisory Council Members**

- 1) *Management of business. Each EAC member shall assist in the study and review of an issue approved by the Board. Given the EAC's mission of providing an objective set of recommendations to the Board on each given issue, each member shall assist in preparing an analysis of the strengths and weaknesses of potential courses of action.*
  - A. *Special Task Forces may be formed by a majority vote of a quorum of EAC members at any regular or special meeting of the EAC. The EAC may appoint members of the general public to the special task force as it deems necessary and appropriate.*
  - B. *The EAC shall prepare an annual report to the Board on its activities, accomplishments, goals and objectives.*
  - C. *For each issue that the EAC reviews, it will generate a report to each member of Board that sets forth its findings and dissenting opinions if any.*
  - D. *The Environmental Advisory Council shall set an agenda with the help of the Board and Township staff and consultants.*
  - E. *The study of issues: The EAC will hear issues from the community regarding the environment and will determine which issue(s) need to be explored, or can be explored effectively. Upon deciding which issue(s) the EAC has preliminarily decided to study, the EAC will promptly issue a one page letter to the Board stating the issue(s) that it has selected, the resources needed, the length of the study, why it feels the issue is pertinent and requesting that the Board approve the study. Upon receiving this letter, the Board will notify the EAC which issues it would like the EAC to explore.*

After receiving a request for a study from the Board, the EAC will examine the issue and provide the Board with a written report setting forth its recommendations and dissenting opinions (if any).

**Article VIII. Order of Business for Meetings**

**Section 1** – The order of business at regular meetings shall be:

- 1) Call to order (include announcing electronic recording of meeting)
- 2) Roll call
- 3) Review of minutes of previous meeting and action thereon
- 4) Report of officers and committees (includes BOC, PC, Manager and/or Planning/Zoning)
- 5) Old business
- 6) New business
- 7) Public Comment
- 8) Agenda for next meeting
- 9) Adjournment

**Section 2** – A motion from the floor must be made and passed in order to dispense with any item on the agenda.

**Article IX. Amendments**

The EAC shall have the power to recommend amendments to the bylaws, subject to the approval of the Board. Recommendations for amendments to the bylaws may be voted on at any regular or special meeting of the EAC and requires three votes of the council. No amendment shall be recommended unless a copy of such proposed amendment has been included in or enclosed with the notice of such meeting.

The EAC shall not have the power to recommend any amendment to the bylaws which would alter the status of the Environmental Advisory Council.

**Article X. Hearings**

- 1) In addition to those required by law, the EAC may hold public hearings when the EAC and the Board decide that such hearings would be in the public interest.
- 2) Notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than two weeks prior to the hearing and not less than one week prior to the hearing.
- 3) The matter before the EAC shall be presented in summary by some person designated by the Chair, and parties in interest shall have privilege of the floor.
- 4) No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.
- 5) A record shall be kept of those speaking before the EAC at such hearings.

APPROVED AND ADOPTED this 24<sup>th</sup> day of September, 2009 at a public meeting."

[Commissioner Unger arrived at approximately 8:00 p.m. to join in the proceedings.]

Ms. Sopka outlined some minor revisions that she made to the final version.

Commissioner Brown briefly stated that the EAC has been working hard to finalize the By-laws and they are now working on prioritizing issues that they intend to present to the Board for approval so that they can proceed toward implementation. A formal presentation will be made by an EAC member.

**Motion by Commissioner Cusick to approve the Bylaws for the Salisbury Township Environmental Advisory Council. Motion seconded by Commissioner Brown. Motion passed by unanimous voice vote.**

**Consideration of a Motion to approve the request for a Tree Removal at 2417 Green Acres Drive.**

Mr. Soriano brought forth the request for street tree removal at 2417 Green Acres Drive. Mr. Soriano noted that the Code Enforcement Officer inspected the trees and is recommending their removal. A discussion ensued on which trees the Commissioners should act on, since two are located in the front of the home and two in the rear yard. Attorney Ashley and Mr. Soriano

both stated that the only trees under the purview of the Board are the shade trees. The trees in the rear yard should be reviewed only if they were required by a Land Development Plan and will need to be replaced. Commissioner Unger commented that the trees should be replaced by a species that will not grow tall and impede the power lines. Mr. Soriano noted that the Township can require ornamental trees that will not reach the height of the power lines.

A discussion ensued on having in place specific rules to govern such requests that will also include an Appeal process. Attorney Ashley noted that there is currently no standard on how to determine what trees can and cannot be taken down. Mr. Soriano advised that the Board is still meeting the requirements of the Subdivision Land Development Plan by approving the street tree removal request and stating that trees must be planted in their place. Attorney Ashley stated that the Board might have to allow some leeway on the placement of the trees because of the power lines.

**Motion by Commissioner Cusick to approve the request for street tree removal at 2417 Green Acres Drive and replacement thereof by the owner, subject to the approval of the Township on the type of trees to be replanted. Motion seconded by Commissioner Martucci. Motion passed by unanimous voice vote.**

**Consideration of a Motion to designate Friday, October 30, 2009 from 6 – 8 p.m. as Trick or Treat Night.**

Mr. Soriano noted that the Chief of Police requested that the Board approve the Trick-or-Treat Night. Mr. Soriano read the Chief's Memo, as follows:

*Date: September 22, 2009  
To: Board of Commissioners  
Cc: Randy Soriano, Township manager  
From: Allen W. Stiles, Chief of Police  
Re: Trick or Treat Night Designation*

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*I request that the Board of Commissioners designate Friday October 30, 2009 as the official Trick or Treat night in Salisbury Township. I also request that the official observance begin at 6:00 P.M. and end at 8:00 P.M. on that evening.  
This date and time has also been adopted by Allentown and the other communities in this area as the "official" Trick or Treat night.  
As in years past, several Salisbury Township Police Officers will be patrolling all areas of the Township on that night. It may be a busy night because we also have officers working at a "home" football game at Salisbury High School that night.*

Commissioner Brown noted that the Chief and his department do a good job in providing safety to the kids.

**Motion by Commissioner Cusick to the request to designate Friday, October 30, 2009 from 6 p.m. to 8 p.m. as Trick-or-Treat Night as set forth by the Police Chief's Memo. Motion seconded by Commissioner Giles. Motion passed by unanimous voice vote.**



## PUBLIC COMMENT

No comments were received.

## OTHER BUSINESS

Commissioner Cusick asked Mr. Andreas for an update on the **South Filbert Street Water and Stormwater Replacement Project**. Mr. Andreas stated everything went smoothly and the Contractor will finish the overlay on the street tomorrow.

Commissioner Brown asked Mr. Soriano for an update on the **repairs to the roof of the Township Building**. Mr. Soriano stated that Spillman Farmer, the existing Architect for the Police Station Project, has agreed to look at the roof and will help assess the reasons for the leak. The Architect, Sal Verrastro, a former roofer, will undertake a water test to determine where the water is infiltrating.

Chief Stiles updated the Board on the **Police Station Addition and Renovation Project**, noting that they have had a lot of contractors come through to check plumbing and other areas of the building in order to make a better bid submission. Mr. Soriano stated that 23 contractors picked up the Bid Documents and a Bid Opening is scheduled for Tuesday, September 29, 2009. He commented that he is hopeful the project will get started by the end of November.

Chief Stiles commented that there was a **Civil Service Commission Meeting** held on September 21, 2009, and the police officer candidates list was certified for two eligible individuals. The Chief noted that a conditional employment offer will need to be made to one of the individuals at the next Board meeting.

Commissioner Cusick asked the Chief how many full-time officers the Township currently has. Chief Stiles responded that the Township has 18 full-time officers, one of whom is full-time at the School District. Commissioner Cusick then inquired whether the School Resource Officer's salary is built into the Township's budget or the School District's budget. Mrs. Bonaskiewich confirmed that the School District reimburses the Township 50% of the officer's salary. Chief Stiles noted that officer's salary was previously paid for by a Federal Grant that expired last year. The Township picked up the cost of the salary for one year, and then negotiated with the School District to reimburse 50% of the officer's salary.

## ADJOURNMENT

As no other business was presented, on Motion by Commissioner Cusick and seconded by Commissioner Brown the meeting was adjourned. The Commissioners later on reconvened for the monthly Workshop. The time was 8:35 p.m.