

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
October 26, 2023
REGULAR MEETING – 7:00 PM**

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

PLEDGE OF ALLEGIANCE

Commissioner Brinton asked everyone to rise and recite the Pledge of Allegiance.

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
Heather Lipkin, President Pro-Tempore
Alok Patnaik
Alex Karol

Staff Present:

Cathy Bonaskiewich, Township Manager
Sandy Nicolo, Assistant Township Manager/Code Enforcement Director/MS4 Coordinator
Paul Ziegenfus, Finance Director
James Levernier, Director of Public Works
Donald Sabo, Chief of Police – EXCUSED
Chris Casey, Police Sergeant
Jack Gross, Esquire, representative of Gross McGinley, LLP, Township Solicitor
Charlie Meyers, representative of Barry Isett & Associates, Township Engineer

NOTIFICATION

Ms. Bonaskiewich informed the attendees that all sessions of the Salisbury Township Board of Commissioners regular meetings are recorded electronically for the purpose of taking the Minutes. All public comments on agenda items will be taken prior to the vote. All public comment related to non-agenda items will be taken after the agenda has been satisfied. Ms. Bonaskiewich reminded everyone of the three-minute rule and asked that anyone who wishes to speak, come to the podium, announce oneself, and sign-in with name and address so as to assist Township administration with follow-ups.

Commissioner Brinton announced that an Executive Session will take place after the Workshop to discuss a legal matter.

APPROVAL OF THE FINANCIAL REPORT AND LIST OF BILLS PAYABLE

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to approve the List of Bills Payable for the period 10/7/23-10/20/23, broken down as follows:

\$162,026.76 = GENERAL
\$1,636.81 = FIRE
\$0 = LIBRARY
\$27,068.79 = WATER
\$39,665.28 = SEWER
\$1,176.93 = REFUSE & RECYCLING
\$368,927.79 = HIGHWAY AID
\$4,499.48 = CAPITAL GENERAL
\$605,001.84 = GRAND TOTAL ALL FUNDS

The Board voted: 5 Ayes; 0 Nays.

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to approve the unaudited Financial Reports for August and September 2023.

The Board voted: 5 Ayes; 0 Nays.

MINUTES

October 12, 2023

Commissioner Brinton noted a typographical error on Page 1. Commissioner Brinton declared the Minutes from October 12, 2023 accepted with the correction.

NEW BUSINESS

ORDINANCES

Ordinance Amending Motor Vehicle Ordinance regarding Turning Restrictions (Chapter 15, Part 2) Gaskill Avenue.

Commissioner Patnaik noted that the restrictions do not pertain to school buses.

Motion by Commissioner Karol, seconded by Commissioner Lipkin, to adopt Ordinance No. 10-2023-664, amending Motor Vehicle Ordinance regarding turning restrictions (Chapter 15, Part 2) Gaskill Avenue.

The Board voted: 5 Ayes; 0 Nays

RESOLUTIONS

None.

MOTIONS

None.

COURTESY OF THE FLOOR

Mr. Levernier noted that the Department of Public Works recently began the water line work on Edgemont Drive. He stated that it has passed both of the bacteria tests as well as the water pressure test, and he is hoping to have the work wrapped up by Thanksgiving. He commented that there will be 19 homes to hook up to the new line.

Commissioner Lipkin reminded the Board that Election Day is November 7th.

Commissioner Brinton brought forth concerns regarding the fading street signs. She inquired if the manufacturer of the signs gave the Township any money back. Mr. Levernier stated that no, the Township did not receive money back because the street signs are simply at the end of their life, which is typically 10–12 years. He commented that while all the signs were replaced at one time 12 years ago, they have been replacing them in pieces as the budget has allowed. Mr. Levernier noted that about 200 were replaced this year.

Commissioner Brinton inquired if the replacement will be done in sections going forward. Mr. Levernier stated that they were trying to get the worst of the them replaced first, but now it seems that every neighborhood is bad. He commented that as they pave sections, he will make sure all those signs are done in a specific section while also continuing to work on extra ones. Mr. Levernier noted that they raised the sign budget for next year in an effort to replace the signs faster.

Commissioner Karol thanked the Police, Fire and Public Works Departments for their efforts with setting up the Homecoming parade route.

Commissioner Patnaik thanked the Department of Public Works for their efforts with repairing a watermain break on Sherwood Road.

Mr. Ziegenfus provided the Board with an update on the progress of collecting overdue utility payments utilizing the services of Portnoff Law Associates.

Ms. Jamie Collins of 2665 West Rock Road stated that she is a certified arborist and landscape architect and expressed concerns about the number of trees that will be taken down due to the proposed improvements on the Girl Scouts' property. She stated that it would be very difficult to remove 50 trees and not damage the other ones in the area. Ms. Collins noted her belief is that the Township's Ordinances are not addressing the ways those kinds of trees could be protected they do not address forest trees, only stand-alone trees.

Commissioner Brinton stated that she has no plans in front of her regarding the Girl Scouts' property and no information at this time. She suggested holding a meeting that would include a representative from the Girl Scouts in order to address the concerns.

Ms. Collins stated that some other concerns have to do with the sewer system, flooding and water run-off on the street. She commented that installing a drip-type irrigation system into a forest will have more detrimental effects than just the number of trees they are proposing to remove. Mr. Nicolo stated that the sewage plan is currently with DEP for their approval and will go back to the Planning Commission for discussion and approval, then finally to the Board of Commissioners. He further explained that the State told the Township that the previous Tree Ordinance must be changed because it was too restrictive, so if the Ordinance allows those trees to come down, then they can come down. Mr. Nicolo commented that the Girl Scouts will be replacing a number of trees.

Mr. Nicolo stated that the DEP had found issues with Girl Scouts' sewage plan and time extensions have been granted in order to give the Girl Scouts more time to resubmit their plan to DEP.

Mr. Nicolo also commented that anyone can reach out to the Community Development department at any time to get an update on the project, ask any questions or to view the plans. He noted that in order to see the plans, a simple Right-to-Know request would need to be completed.

Ms. Bonaskiewich stated that Planning Commission meetings are held monthly on the fourth Wednesday of each month. She commented that it is a set date with an agenda that is posted prior to the meeting.

A resident from 2449 Belmont Ave inquired about the process of approval for the project. Mr. Nicolo explained that approval to move forward was given by the Zoning Hearing Board, then the plans were put together for the project to give to the Planning Commission. He stated that everything in the plan has been discussed by the Planning Commission, and the last remaining item is the sewage system with DEP approval. Mr. Nicolo noted that the County received the plans and has responded to them.

Ms. Stephanie Brown of 3221 Douglas Road stated that the 'No Outlet' sign on West Rock Road is missing and expressed concerns that there are no speed limit signs on that road. Mr. Levernier stated that he will follow-up with the missing sign, but as far as the speed limit sign, the Township only installs them if the police request it due to issues with speed in a particular area. He noted that the Chief of Police would have to follow-up to determine if speed is a concern in that area; otherwise, if the street is not posted, the default speed limit is 35 mph, according to state law.

Ms. Elaine Silberman of 2529 W Rock Road stated that the Board voted to approve the sewage plan at their meeting on September 19th. Commissioner Karol clarified that a time extension was granted in order to have more time to review the plan. Ms. Silberman inquired if a notice was sent regarding that item as it pertains to the Sunshine Law. Ms. Bonaskiewich stated that it was an act by the Board of Commissioners, and sending a notice is not a stipulation of the Board. She stated that the Township advertises agendas and publishes information that is occurring at the meeting, and the requirement to notify neighbors is a Planning matter, not at the level of the Board. Ms. Silberman stated that she believes the Sunshine Law requires municipalities to notify neighbors for any item in which action is taken. Commissioner Lipkin stated that it is on the advertised agenda viewable by the public, not delivered directly to each individual neighbor. The posted agenda is considered official notice.

Ms. Silberman expressed concerns about the Township setting a precedent for non-residential entities to be able to build in that area. Attorney Gross stated that what is happening in this instance

does not determine future building as any type of building is considered on a case-by-case basis. He commented that plans are considered based on the Township's Ordinances and State laws; it does not matter who the applicant is. Attorney Gross further explained that the Planning Commission will hold another meeting to look at the Girl Scouts' plans, and after considering the comments from the Lehigh Valley Planning Commission, the Township Engineer and Community Development department, they will then determine if the plans comply or do not comply with the Township's Ordinances and State laws.

Mr. Bill Mackey of 2619 W Rock Road noted that he is one of the closest properties just below the Girl Scouts and expressed concerned about his well being 20-30 yards away from the proposed septic system. He inquired what would happen if he had an issue with infiltration into his well from the Girl Scouts' septic system. Mr. Meyers stated that part of DEP's review of the plan includes monitoring of the permit requirement that the pollutants do not leave the property, and separation distances from any water source are required for any sewage system. He noted that if any problems arise, DEP would help property owners with any recourse for their well and/or shutting down any failing system.

Ms. Nancy Miklus of 2324 W Rock Road thanked the Department of Public Works for the paving work that was done on that road.

Ms. Jackie Straley of 3110 Dogwood Lane stated that the agenda item for the meeting on September 14th was not for an extension, but a Resolution to revise the Township's Sewage Plan Ordinance to include the Girl Scout's plan. Attorney Gross stated that the item was on the agenda which was posted online, and residents do not get an individual copy of the agendas for each meeting. Ms. Straley commented that she has received letters in the past stating that something is going to be discussed for the Girl Scouts. Attorney Gross replied that when there is a zoning application, the Zoning Ordinance requires notice to be sent to homeowners in a certain radius of the property. Similarly, the SALDO requires notification of a certain radius if there is a Planning Commission meeting taking place. He commented that the Township does not mail letters to every resident just because there is some action that might be relevant.

Ms. Straley inquired if the Resolution should have gone to the Planning Commission and then to the Commissioners. Commissioner Lipkin stated that no, the sewage system has to be on the Township's map. Mr. Meyers clarified that it was an administrative procedure that acknowledged the information is on the Township's 537 Plan, which denotes that type of sewer plan is on that particular lot. He commented that the actual, technical review of the sewage system is completely separate from that administrative task.

A discussion ensued regarding 537 Plans.

Ms. Straley inquired if the purchasing of the McAuliffe property by the Township will cause an increase in taxes. Mr. Ziegenfus explained that at the time, the Township was able to secure a good interest rate and was able to spread out the loan payments over a 20-year period. He commented that the purchase alone will not raise taxes as there is so much more involved. Mr. Ziegenfus explained that the Township has been hit hard with inflationary expenses, and without raising taxes, it will prove difficult to pave roads, replace signs, provide safety, etc.

Commissioner Karol stated that one of Mr. Levernier's goals when he took over as Director of Public Works was to do more things in-house in order to save money and essentially do more for

less. He stated that they are doing more with paving and waterline installation, but that work requires more employees and more equipment. When an expansion like that takes place, more space is needed. Commissioner Brinton commented that when the property became available, it was seen as chance to be able to add parking, add to the Township's conservation area and to simply have the opportunity to grow, if the need would arise.

Ms. Bonaskiewich stated that the land was purchased for 1.9 million, but was appraised at 2.2 million.

ADJOURNMENT

Commissioner Karol made a motion to adjourn the meeting. Commissioner Conn seconded the motion. The time was 8:12 p.m.

Respectfully submitted,

Cathy Bonaskiewich
Township Secretary

These constitute the official Minutes of the Regular Meeting of the Board of Commissioners held on October 26, 2023.

Approved and certified on this date:

Cathy Bonaskiewich

Date: _____

SEAL