

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
December 14, 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 – EXCUSED
James Levernier, Director of Public Works
Donald Sabo, Chief of Police
Jason Ulrich, Esquire, representative of Gross McGinley, LLP, Township Solicitor
Stan Wojciechowski, 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 approval of the minutes to discuss a legal matter.

APPROVAL OF THE FINANCIAL REPORT LIST OF BILLS PAYABLE

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to approve the unaudited Financial Report for the period ending October 31, 2023, and the List of Bills Payable for the period 11/18/23-12/8/23, broken down as follows:

\$113,319.58 = GENERAL
\$17,249.29 = FIRE
\$43,000.24 = LIBRARY
\$500,413.46 = WATER
\$94,961.78 = SEWER
\$152,711.65 = REFUSE & RECYCLING
\$12,793.07 = HIGHWAY AID
\$413,695.80 = CAPITAL GENERAL
\$29,922.07 = CAPITAL FIRE
\$1,378,066.94 = GRAND TOTAL ALL FUNDS

The Board voted: 5 Ayes; 0 Nays.

MINUTES

November 21, 2023

Commissioner Brinton declared the Minutes from November 21, 2023 accepted as presented.

*The Board convened into an Executive Session regarding a legal matter.

*The Board reconvened at 7:21 p.m.

NEW BUSINESS

MOTIONS

Motion Accepting a Time Extension to April 7, 2024 for the Land Development Plan at 1350 E Susquehanna Street.

Mr. Wojciechowski stated that this is for Walnut Grove Apartments, and the developer needs to revise their plans to address the Township's stormwater management concerns.

Motion by Commissioner Patnaik, seconded by Commissioner Karol, to accept a Time Extension to April 7, 2024 at 1350 E. Susquehanna Street.

The Board voted: 5 Ayes; 0 Nays

Motion Approving Payments #3 (\$4,179.60) and #4/Final (\$6,283.90) to Billitier Electric, Inc. for the Cardinal Drive Pump Station Generator Replacement Project in the total amount of \$10,463.50.

Mr. Levernier explained that this project was budgeted last year, but it took a long time to receive the generator. He noted that everything is installed and working properly.

Motion by Commissioner Conn, seconded by Commissioner Lipkin, to approve Payments #3 (\$4,179.60) and #4/Final (\$6,283.90) to Billitier Electric, Inc. for the Cardinal Drive Pump Station Generator Replacement Project in the total amount of \$10,463.50.

The Board voted: 5 Ayes; 0 Nays

Motion Accepting Kenneth Wied's Resignation from the Salisbury Township Civil Service Commission effective 01/01/2024.

The Board thanked Mr. Wied for his years of service.

Motion by Commissioner Conn, seconded by Commissioner Lipkin, to accept Kenneth Wied's resignation from the Salisbury Township Civil Service Commission effective 01/01/2024.

The Board voted: 5 Ayes; 0 Nays

Motion Authorizing Execution of Hold Harmless Agreement regarding the property located at 1801 Box Elder Road.

Attorney Ulrich stated that this agreement between the property owner and the Township is needed because the property owner has applied to erect a fence on their property, but the Township has an easement in the area due to a main sewer line that runs through the property. He explained that the agreement will allow the Township to access the property to work on the sewer line, if needed. In addition, if the property owner would damage the sewer line, they would have to pay for the repair.

Motion by Commissioner Karol, seconded by Commissioner Patnaik, to authorize the execution of a Hold Harmless Agreement regarding the property located at 1801 Box Elder Road.

The Board voted: 5 Ayes; 0 Nays

Motion Approving Non-Uniformed Contribution (DC) Pension Plan Funding for Year 2023.

Ms. Bonaskiewich explained that there is no dollar amount set at this time because with the Defined Contribution Pension Plan, the Township contributes eight percent (8%) of the annual wages of the employees in that plan. She stated that the amount will be unknown until the last payroll of the year, so the Board has to authorize funding it, and then the Board will ratify the amount at the first meeting in January.

Motion by Commissioner Conn, seconded by Commissioner Lipkin, to approve the Non-Uniformed Contribution (DC) Pension Plan Funding for Year 2023.

The Board voted: 5 Ayes; 0 Nays

Motion Awarding Municipal Solid Waste (MSW) and Recycling Contract.

Attorney Ulrich commented that a bid opening took place on November 20, and after the bids were reviewed, it was determined that the lowest bidder in price was LMR Disposal, and the second lowest bidder was Whitetail Disposal. He stated that the Board can make a decision based upon that, but he noted that LMR did not meet the requirements of the bid.

Mr. Rob Contrelle, CEO of LMR Disposal, inquired how their bid was deficient. Attorney Ulrich stated that it appears that they did not have five years of service with a municipality over 4,000 people, which was a requirement of the contract. Mr. Contrelle agreed with the statement.

An audience member questioned comparing service records as a means to award the contract. Attorney Ulrich stated that the Township cannot choose somebody that does not meet the threshold.

Mr. Contrelle stated that they serve municipalities who require a performance bond and stated that he would obtain one for the Township as well.

Mr. Paul Brady, President and CEO of Whitetail Disposal, stated that through Whitetail, the Township would be serviced in a hybrid way, and while it is challenging, they have immediate experience with that situation between Upper Macungie and Emmaus.

Commissioner Patnaik inquired if the price of the containers is included in the monthly fee. Ms. Bonaskiewich stated that the Township pays separately for any roll-off containers needed, and the price point stays the same for residents no matter the price of the containers.

Ms. Bonaskiewich explained that the Township is changing collection methods by having an automated service to the extent that the hauler determines. She stated that the Township will also be changing to once-a-week collection with bulk collection still available. Ms. Bonaskiewich noted that the electronic/hazardous waste collection will be eliminated.

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to award the Municipal Solid Waste (MSW) and Recycling contract to Whitetail Disposal.

The Board voted: 5 Ayes; 0 Nays

RESOLUTIONS

Resolution Increasing Refuse Rate effective 01/01/2024.

Ms. Bonaskiewich stated that because of the way the bid prices came over the course of the three-year contract, the Board can either opt to set the refuse rate at an average rate over the three years at \$108 per residence, or the Board could increase each year starting at \$105 for year one, \$108 for year two, and \$111 for year three.

It was the consensus of the Board to increase the refuse rate to \$108 per quarter, per unit over the next three years rather than increasing the rate each year.

Ms. Bonaskiewich added that while the rates are going up, there are many surrounding municipalities who fared much worse with their new contracts.

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to adopt Resolution No. 12-2023-1796, increasing the refuse rate to \$108 per quarter effective 01/01/2024.

The Board voted: 5 Ayes; 0 Nays

Resolution Increasing Water and Sewer Rates effective 01/01/2024.

Ms. Bonaskiewich stated that the Township has been experiencing an increase in water and sewer rates imposed on the Township by the Allentown sewer system and Lehigh County Authority. In addition, the Township will continue to try and bolster capital reserves in both of those funds so that the Department of Public Works is able to do more in-house work. She noted that the water rate will be \$0.0087 per gallon (essentially equivalent to \$8.70 per thousand gallons) and the sewer will be \$83 per quarter.

Ms. Bonaskiewich clarified that the new water and sewer rate will be reflected in the April bill as they are billed in arrears.

Motion by Commissioner Karol, seconded by Commissioner Lipkin, to adopt Resolution No. 12-2023-1797, increasing water and sewer rates effective 01/01/2024.

The Board voted: 5 Ayes; 0 Nays

Resolution Setting the Police Pension Plan Employee Contribution Rate for Year 2024.

Ms. Bonaskiewich explained that a Resolution is required annually to set the contribution rates for members of the Police Pension Plan for the upcoming year. The Police Pension Plan contribution rate for the year 2024 will remain at 3.04% as per their most recent Collective Bargaining Agreement (01/01/2021-12/31/2024), ratified by way of binding arbitration.

Motion by Commissioner Conn, seconded by Commissioner Lipkin, to adopt Resolution No. 12-2023-1798, setting the Police Pension Plan Employee Contribution Rate for Year 2024.

The Board voted: 5 Ayes; 0 Nays

ORDINANCES

Ordinance Amending Non-Uniformed Defined Benefit (PMRS) Pension Plan to Set Employee Contribution Rate for Year 2024.

Motion by Commissioner Karol, seconded by Commissioner Patnaik, to adopt Ordinance No. 12-2023-665, Amending Non-Uniformed Defined Benefit (PMRS) Pension Plan to Set Employee Contribution Rate for Year 2024.

The Board voted: 5 Ayes; 0 Nays

Public Comment regarding 2024 Budget Approval and Ordinance Setting/Reaffirming Tax Rates for Year 2024 and Approving 2024 Budget Appropriations.

Ms. Jackie Straley of 3110 Dogwood Lane questioned what changed in the budget to require a tax increase. Ms. Bonaskiewich explained that while the general fund tax millage also increased, the

largest portion of the tax increase is primarily attributable to the fire fund. She noted that the Township needed to increase the general fund tax as well due to having a fully-staffed Public Works and Police Departments.

Motion by Commissioner Karol, seconded by Commissioner Lipkin, to adopt Ordinance No. 12-2023-666, Setting/Reaffirming Tax Rates for Year 2024 and Approving 2024 Budget Appropriations.

The Board voted: 5 Ayes; 0 Nays

COURTESY OF THE FLOOR

Chief Sabo stated that the three new officers who were hired in July have completed the field training program and are in service on their own. He stated that the 2024 schedule goes into effect on January 7, and there will be an extra officer available for 24-hour coverage.

Mr. Levernier stated that leaf collection will be completed by early next week. He also noted that the Department of Public Works will be picking up Christmas trees every Tuesday in January.

Ms. Bonaskiewich noted that the 2024 Township calendars are ready for mailing and should go out by December 22.

Ms. Bonaskiewich stated that LCA is offering tours of the Klines Island Sewage Wastewater Treatment Plant and noted that the Commissioners are welcomed to attend.

Commissioner Lipkin thanked Mr. Wied for his service on the Civil Service Commission. She also thanked Mr. Contrelle from LMR Disposal for submitting his bid.

Mr. Contrelle questioned if the Board had to reject his company's bid. Attorney Ulrich noted that in this case, the bid can be awarded to the lowest responsible bidder. Mr. Contrelle argued that his company was the lowest responsible bidder as he has 30,000 residential customers and is right on the cusp of servicing a municipality greater than 4,000 homes. He also believes that the Board's decision to award the bid to Whitetail will cost the Township an additional \$500,000.

A discussion ensued regarding the language in the bid specs.

The Board thanked the Department of Public Works for their efforts with leaf collection.

An audience member asked if the error in words on the bid specs is costing the Township more money. Attorney Ulrich stated that there was no error in the language.

Ms. Bonaskiewich clarified that it is a three-year contract with an option to extend an additional two years. She stated that at the end of the three years, the Township can determine to go out for bid again. Ms. Bonaskiewich explained that the cost difference over the first three years between the companies is slightly over \$200,000. If the Township opts to extend the contract another two years, then the cost difference is around \$500,000.

Attorney Ulrich clarified that the bid specs stated that a company must have experience servicing a certain number of people over a certain period of time, and Mr. Contrelle admitted that he does not meet that criterion. He noted that the Township could have ignored its own specs and awarded

the bid to LMR, but that could potentially have legal implications if Whitetail argues that they were the lowest responsible bidder. It was his recommendation to follow the legally safe option.

Commissioner Karol thanked the various citizens in the audience for attending the meeting.

Commissioner Patnaik commented that the Township's Christmas tree at Franko Park is lit and encouraged people to take a look at it.

Ms. Janet Keim of 11 W Pine Street expressed concerns about increasing the steep slope zoning ordinance to 12%.

Ms. Keim also thanked Mr. Charlie Beck for his years of service on the Planning Commission and questioned if anyone on the Board had requested him to retire.

Mr. Tom Williams of City Line Construction at 2851 S. Pike Avenue asserted that he has made complaints to DEP, EPA and to the Township about various items on the property at 2937 S. Pike Avenue, which the Township now owns. He questioned how the Township could have received an accurate appraisal of the property if an environmental study was not done. He alleged that the underground oil and gas tanks are in violation of the DEP. He also claimed that the stone the Township recently had delivered to the property is washing downstream and filling the drainage pipe, which then floods neighboring properties.

Mr. Williams inquired if the Township has found the certifications to close out the underground gas cans that he claimed are leaking. Mr. Levernier stated that as far as he is aware, there is nothing wrong with the fuel tanks. He stated that the Township's permit for the tanks is approved and he is in possession of it from the DEP.

Mr. Nicolo stated that the Township installed three, 18" silt socks to aid with the water run-off. Mr. Williams claimed that they are installed incorrectly and questioned if the Township has a DEP plan for the silt socks. Mr. Wojciechowski stated that putting a silt sock on an existing facility to divert water does not require a permit. Mr. Nicolo stated that we are in the process of designing stormwater facilities for the entire property.

Mr. Williams asked if the Township's salt is stored properly. Mr. Levernier responded that yes, it is on a paved surface, tarped and a silt sock was added it as well.

Mr. Williams inquired if the surrounding property owners must test their own water to check for pollutants in the water. Mr. Nicolo and Attorney Ulrich stated that if property owners would like their water tested, they must do it themselves.

Mr. Jerry Royer provided the Board with an update on the construction of the new station for Western Salisbury Fire Department.

An inquiry was made as to why Mr. Charles Beck was retiring from the Planning Commission. A discussion ensued, and it was explained that Mr. Beck had agreed that he did not want to be reappointed. If he decided to change his mind and would like to continue to serve, he would need to reapply. Commissioner Karol stated that three applications were received, and he can appoint a resident from any of those applications as it is his Ward to decide.

ADJOURNMENT

Commissioner Patnaik made a motion to adjourn the meeting. Commissioner Karol seconded the motion. The time was 9:05 p.m.

Respectfully submitted,

Cathy Bonaskiewich
Township Secretary

These constitute the official Minutes of the Regular Meeting of the Board of Commissioners held on December 14, 2023.

Approved and certified on this date:

Cathy Bonaskiewich

Date: _____

SEAL