

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:30 PM
January 22, 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
James Brown, Vice-President
Robert Martucci, Jr.
Norma Cusick
Mary Yoder

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 Tetteimer, representative of the Township Engineer.

CALL TO ORDER

Commissioner Unger 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.

APPROVAL OF FINANCIAL REPORT AND BILLS PAYABLE

On motion of Commissioner Cusick, seconded by Commissioner Martucci, the Board of Commissioners voted unanimously to approve the Financial Report for the 12-month period ending December 31, 2008 and the payment of the bills for the period of 1/06/2009 to 1/16/2009.

Commissioner Cusick posed several questions with regard to expenditures listed in the Financial Report for Legal and Engineering services. A discussion ensued on reasons that may have been attributable for the variations to budgeted amounts. Mr. Soriano noted that he was not particularly knowledgeable on how the budgeted figures were derived. He noted that they may have been made based on assumptions of certain levels of work, and then things may have changed or occurred that were not anticipated. Mr. Soriano noted that in the future he will request budgets from the firms outlining work associated with the expected services. Mr. Soriano noted that the budget is a plan of foreseeable services and certain events such as lawsuits, appeals, etc... may not be foreseen.

MINUTES

January 8, 2009

Commissioner Unger declared the January 8, 2009 Board of Commissioners Meeting Minutes approved as presented.

PRESENTATION BY THE HONORABLE DOUGLAS REICHLEY

State Representative Douglas Reichley presented recent legislative updates including the Act 32 Tax Collection Law amendment relating to county-wide earned income tax collection and the new Open Records Law.

ORDINANCES

None.

RESOLUTIONS

None

MOTIONS

Consideration of a Motion to authorize Escrow Release #4 for the Southbury Park development in the amount of \$79,199.76.

Mr. Soriano brought forth a Motion to authorize Escrow Release #4 for the Southbury Park development in the amount of \$79,199.76

Motion by Commissioner Cusick to approve the release of Escrow #4 in the amount of \$79,199.76 for the Southbury Park development. Seconded by Commissioner Martucci. Motion passed by unanimous voice vote.

Consideration of a Motion to authorize Escrow Release #7 for the Yeker Farm development in the amount of \$22,613.40.

Mr. Soriano brought forth a Motion to authorize Escrow Release #7 for the Yeker Farm development in the amount of \$22,613.40

Motion by Commissioner Cusick to approve the release of Escrow #7 for the Yeker Farm development in the amount of \$22,613.40. Seconded by Commissioner Brown. Motion passed by unanimous voice vote.

ADDITIONAL ITEM

Consideration of a Motion (not listed) to approve Payment #2-Final to Sikora Brothers in the amount of \$7,462.50 for the Dauphin Street Water Main Extension Project.

Mr. Soriano brought forth a Motion (not listed) to approve Payment #2-Final to Sikora Brothers in the amount of \$7,462.50 for the Dauphin Street Water Main Extension. Mr. Tetterer has reviewed request and has recommended approval.

Motion by Commissioner Cusick to approve Payment #2-Final to Sikora Brothers in the amount of \$7,462.50 for the Dauphin Street Water Main Extension. Seconded by Commissioner Martucci. Motion passed by unanimous voice vote.

Consideration of a Motion to approve a request from VIA for facilitating traffic during the Lehigh Valley Hospital Marathon for VIA scheduled September 13, 2009 in the area of South Cedar Crest Boulevard and Fish Hatchery Road.

Mr. Soriano noted that he had received a request from VIA for facilitating traffic during their annual marathon. Mr. Soriano noted that this year's route involves the crossing of Cedar Crest Blvd. The Chief has reviewed the request and does not see a problem facilitating the marathon and offering traffic control on Cedar Crest Boulevard. Although Cedar Crest Boulevard is a State Road, PA DOT will revert to the Township for traffic controls. VIA may need a road occupancy permit for the event from PA DOT and any Township approvals would be contingent on VIA receiving other State approvals for the event. The Township may also require that VIA sign a Hold Harmless and Indemnification Agreement for the event.

Ms. Lisa Walkiewicz representative from VIA spoke briefly about the event.

Chief Stiles commented on anticipated police coverage for the event, notwithstanding Township emergencies.

Motion by Commissioner Cusick to accept the request from VIA for facilitating traffic during the Lehigh Valley Hospital Marathon on September 13, 2009 contingent on the approval of the Chief of Police and VIA's execution of a Hold Harmless and Indemnification Agreement for the event. Motion was seconded by Commissioner Martucci. Motion passed by unanimous voice vote.

Consideration of a Motion to accept the proposal of Liberty Engineering for engineering services in preparing specifications for a new generator at the Eastern Salisbury Fire Station.

Mr. Soriano brought forth a Proposal from Liberty Engineering, the firm that worked on two generators at the Public Works Building and Municipal Building. The Proposal was for two

options. The first option was to engage them for only preparing the Performance Specifications required to go out for Bid. The Township would put together the Bid Documents to save money. Since the work will require a permit, the approved bidder for the generator will need to also provide sealed, engineering drawings for the work in order to file for a permit. The second option was to have Liberty Engineering prepare the sealed engineering drawings along with the specifications. Either way, the Township will pay someone to submit the required drawings necessary for the permit. Whether it will be to the Contractor, who will pass on that cost in their bids or the Township Engineer who would make it part of the specifications for the Contractor to supply. The total package would cost \$5,400. The preparation of only the Performance Specs would cost \$2,300.

Discussion ensued on what would be the most advantageous way to engage the Engineer in the preparation of Bid Specifications for the emergency generator.

Commissioner Cusick made a motion to approve the Proposal from Liberty Engineering, Scheme No. 2, which would authorize the preparation of Bid Specifications and drawings for the generator for the Eastern Salisbury Fire Department Fire Station. Motion seconded by Commissioner Brown. Motion passed by unanimous voice vote.

Consideration of a Motion to accept the proposal of Burkholder Heating and Air Conditioning to re-pipe the boiler in the Municipal Building.

Mr. Soriano stated that the boiler in the Municipal Building is experiencing a serious malfunction which during last week's cold spell failed to retain the proper heat. Mr. Soriano stated that the way the boiler was originally assembled was not per manufacturer's specifications, causing the boiler to retain internal steam and reducing its efficiency considerably. Burkholder has submitted a proposal along with the manufacturer's instructions to re-assemble the unit. Richard Yeakel, P.E. from Liberty Engineering has volunteered, at no cost, to review the work and offer guidance on this matter. Mr. Soriano noted that additional information was requested by Mr. Yeakel from Burkholder and a letter was sent yesterday addressing the follow up. Mr. Soriano noted that the Commissioners should move forth with authorizing the Township Manager to proceed with the work after the Engineer has signed off on the Proposal.

Motion by Commissioner Cusick to authorize the Township Manager to proceed with the work to re-pipe the boiler as per the Burkholder proposal dated December 22, 2008 in the amount of \$3,600 contingent on the Engineer signing off on the Proposal. Commissioner Martucci seconded the motion. The Motion carried by unanimous voice vote.

Consideration of a Motion to authorize entering into an agreement with the US Department of Agriculture Wildlife Service to conduct a waterfowl damage management program at Laubach Park.

Mr. Soriano noted that Commissioner Martucci has received a Cooperative Service Agreement from the USDA Wildlife Service to conduct a waterfowl damage management program at Laubach Park. Mr. Soriano stated that the total cost for the services is a not to exceed \$9,326. Attorney Ashley, Esq. has also received a copy of the Agreement for his review. Mr. Soriano noted that Article 7, which states that the Wildlife Service assumes no liability except

under situations subject to the Federal Tort Claims Act. The Township, if it accepts the WS services, will need to designate an individual who will coordinate and administer the activities with WS. Article 6, provides for funding for the services which are subject to approved appropriations by Congress

Commissioner Martucci explained the work contemplated under the work plan of the Agreement.

Commissioners as a whole thanked Commissioner Martucci for devoting his time to request the proposal and following up on this issue.

Mr. Soriano thanked Commissioner Martucci for this endeavor which freed up his time to devote to other Township matters.

Commissioner Cusick moved to accept the Proposal from the USDA Wildlife Service to conduct waterfowl management at Laubach Park for a cost not too exceed \$9,326. Commissioner Martucci seconded the motion. Motion passed by unanimous voice vote.

Consideration of a motion to authorize advertisement of the proposed Environmental Advisory Council ordinance to be voted on at the February 12, 2008 meeting.

Mr. Soriano stated that Attorney Ashley reviewed the draft Ordinance for the creation of an Environmental Advisory Council and found it in acceptable legal form. Mr. Soriano explained that since there was not sufficient time to advertise the Ordinance, he is requesting a formal motion to proceed with the advertisement in order that the Ordinance can be adopted at the February 12, 2009 meeting. Mr. Soriano noted that a comparison sheet was prepared to address how other municipal entities support the EAC. He commented that the Commissioners should engage in an open recruitment process in order to provide the maximum exposure to its residents and draw from a diverse group. Since the appointment will be made by Wards, Mr. Soriano expects the application who ask for information on where they reside and wards (if known to them). Applications should be sent directly to the Township after which they would be disseminated to the Commissioners. The Township should be actively trying to disseminate as much as information as possible so that everyone in the Township will be aware of this EAC and have a chance to apply. It should be a very open process to try to reach a broad spectrum of residents.

Commissioner Cusick thanked the Township Manager for assembling the Ordinance and getting information on how other municipalities budget for the EAC.

Commissioner Cusick moved to authorize the advertisement of the EAC Ordinance for formal action at the February 12, 2008 meeting. Motion was seconded by Commissioner Martucci. Motion passed by unanimous voice vote.

ADDITIONAL ITEM

Consideration of a proposal not listed on the Agenda for architectural and design work for the Police Department renovations.

Mr. Soriano requested that the Commissioners suspend the rules and allow the consideration of a proposal not listed on the Agenda for architectural and design work for the Police Department renovations. President Unger allowed the matter to be included for consideration. Mr. Soriano noted that Spillman Farmer has submitted a proposal to move forth with the design and preparation of design development/construction documents and construction administration for the renovations and addition to the Police Department. Mr. Soriano noted that the firm has submitted a fixed fee for the work at a cost of \$119,500. Mr. Soriano noted that this represented approximately 7.3% of the estimated construction cost of the work. Commissioner Martucci reviewed the proposal and after a short discussion including the Engineer, Solicitor and Chief of Police, recommended that the Township should move forth with the proposal.

Motion by Commissioner Cusick to authorize the Township Manager to execute the Proposal of Spillman Farmer for proceeding with the design and preparation of design development/construction documents and construction administration of the Renovations and Addition to the Salisbury Police Station and adjacent Magistrate's Office for a cost of \$119,500. Motion was seconded by Commissioner Brown. Motion passed by unanimous voice vote.

PUBLIC COMMENT

No comments were presented.

OTHER BUSINESS

None.

ADJOURNMENT

As no other business was presented, the meeting was adjourned. The Board of Commissioners recessed into a Workshop.