

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:00 PM
February 24, 2011**

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.

Members attending:

James Brown, President
Robert Martucci, Jr., Vice President-EXCUSED
Norma Cusick, President Pro-Tempore
James Seagreaves
Joanne Ackerman

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 & Zoning
John Ashley, Esquire, Township Solicitor
David Tetterer, representative of Township Engineer, Keystone Consulting Engineers

CALL TO ORDER

President Brown called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE FOLLOWED.

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 prior to 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 records the meetings and archives its tapes and are available pursuant the Right-to-Know Law, if requested.

Mr. Soriano reminded everyone of the 3-minute rule and asked that everyone who wishes to speak to come to the podium, sign up, announce themselves and speak clearly in the microphone. Mr. Soriano added that the speaker has a choice not to list his/her address; however if a resident does not divulge his or her address, it will impair the Township with administrative follow ups on a particular issue. He also noted that it is preferred that the speaker announce if he or she is a Township resident

APPROVAL OF FINANCIAL REPORT AND BILLS PAYABLES

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to accept the unaudited Financial Report for the period ending January 31, 2011 and approve the list of Bills Payable for the period 2/05/2011 through 2/18/2011.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-ABSENT
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 4-0

MINUTES

February 10, 2011

Commissioner Brown declared the February 10, 2011 Board of Commissioners Regular Meeting Minutes approved as presented.

NEW BUSINESS

ORDINANCES

None

RESOLUTIONS

None

PUBLIC HEARING

Consideration of a request from the County of Lehigh to construct and operate a Detoxification Center at 1600 Riverside Road. Conditional Use.

Mr. Soriano announced that the Board of Commissioners will act as a quasi-judicial, quasi-legislative body pursuant to the Zoning Ordinance Section 119. He noted that the Board's function is to sit as if it was the Zoning Board for this hearing. Mr. Soriano stated that they must take testimony and then decide if the Use meets the requirements of the Zoning Ordinance.

Mr. Soriano stated that the hearing will require the taking of evidence and then judging whether the evidence meets the standards of the Ordinance for the granting of the Use

Mr. Soriano stated that in this case, the Proposed Use of a Treatment Center in an Industrial District (where the property is located) is permitted as a Conditional Use. He noted that by definition, the Conditional Use is a Use which is either allowed or denied by the Board of Commissioners within the provisions of Part 1, after review by the Planning Commission. Mr. Soriano briefly described the relative sections of the Zoning Ordinance:

§119. Conditional Use Process.

1. Applicability. Certain uses that are permitted by this chapter as conditional uses shall be required to follow the review and zoning approval procedures described in this section.

2. Procedure.

A. Submission.

(1) A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception approval that is directly relevant to the site layout and nature of the use is granted.

(2) Fifteen complete copies of any required site plan meeting the requirements of §118 shall be submitted to the Township.

(3) The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this chapter.

B. Distribution. The Township shall distribute copies of the site plan to the Planning Commission and the Board of Commissioners. A minimum of one copy shall be retained in the Township files. The Township fire service should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.

C. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or Board of Commissioners stating whether the proposal complies with this chapter. The Zoning Officer may request a review by the Township Engineer.

D. Planning Commission. The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Commissioners.

E. Commissioners Action.

(1) The Board of Commissioners shall hold a hearing, pursuant to public notice, within 60 days from the date of the applicant's filed conditional use application unless the applicant has agreed in writing to an extension of time. The Board of Commissioners shall not act to approve or deny a conditional use application unless: (a) the Commissioners have received the reports of the Zoning Officer and the Planning Commission; or, (b) a period of 30 or more days has passed from the date of the application.

(2) The Board of Commissioners shall approve, conditionally approve or disapprove the conditional use submission.

(3) In granting a conditional use, the Board of Commissioners may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter.

(4) The decision of the Board of Commissioners shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or his/her representative within 45 days after the last hearing at which evidence was received by the Board of Commissioners.

3. Approval of Conditional Uses. The Board of Commissioners shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:

A. Any specific standards for the proposed use listed in §402 or 403.

B. Other applicable sections of this chapter.

C. Generally be capable of meeting applicable sections of the Subdivision and Land Development Ordinance [Chapter 22].(27, Part 1)

D. Comply with all of the following standards:

(1) Other Laws. Will not clearly be in conflict with other Township ordinances or state or federal laws or regulations known to the Township. The Township may require an applicant to prove compliance, or to prove that appropriate applications have been submitted to obtain such compliance.

(2) Traffic. Will not result in or significantly add to a significant traffic hazard or significant net increase in traffic congestion, after taking into account any improvements proposed to be funded or completed by the applicant.

(3) Safety. Will not create a significant public safety hazard, including fire, toxic or explosive hazards. Such concerns may be addressed by reference to other applicable federal, state or Township laws and regulations.

(4) Stormwater Management. Will follow adequate, professionally accepted engineering methods to manage stormwater. Stormwater shall not be a criteria of a decision under this chapter if the application clearly would be subject to a separate engineering review and an approval of stormwater management by the Board of Commissioners under the Subdivision and Land Development Ordinance [Chapter 22].

(5) Compatibility. Will comply with any applicable berming, glare, noise, setback and buffering requirements of this chapter, and will not create any extreme nuisances to adjacent existing dwellings.

(6) Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this chapter, as stated in Part 5.

Mr. Soriano noted that the Board will also apply the Zoning requirements as stipulated by Section 402 CCC-Treatment Center; Part 5, Section 504; Part 6, Section 601 Parking Requirements, Section 603.1.G compliance with SALDO, Section 603.6 Lighting of Parking Areas, Section 603.7.E, Section 605.3; Part 7 and Part 8, Section 810(2).

Mr. Soriano stated that the Board should first dispense of the Conditional Use before addressing the Site Development Plan since the Zoning is required before the Plan can be addressed.

Mr. Soriano turned over the proceedings to Attorney Ashley. Attorney Ashley set forth some of the ground rules for the hearing and reminded everyone to speak clearly and one at a time in order for the Court Reporter to record the testimony. The Court Reporter administered the oath to all who would testify.

Mr. Edward Andres, Assistant County Solicitor, introduced Mr. Glenn Solt, Director of General Services for Lehigh County; Ms. Darbe George, Lehigh County Drug and Alcohol Administrator; Mr. Dominic Marfisi, Executive Director of White Deer Run; and Mr. Amit Mukherjee, Engineer from Base Engineering.

Mr. Solt explained that the proposed additional structure is to be a detoxification facility for drugs and alcohol. He stated that the County is not seeking to modify the conditions that were previously imposed by the Board, with respect to that facility and the residents within that facility.

Ms. George clarified the operations of the Detoxification Center. She stated that the County receives funding from the state and federal governments and are therefore required to contract with treatment providers for detoxification, rehab, intensive outpatient, and outpatient treatment. She noted that the County is proposing this facility so clients can receive treatment within their own community and maintain their family life because “it enhances their ability to maintain sobriety.” Ms. George stated that it would be a significant decrease in cost for the County to maintain its own facility.

Ms. George noted that there are 31 beds being proposed, seven of which are detox beds and 24 of which are rehab beds. She commented that the proposed beds are intended for County residents, but if not all the beds are filled by residents, they can be used by people throughout the state. Ms. George stated that the employees of the proposed facility will be contracted through White Deer Run because it would decrease the cost and they have a greater expertise.

Commissioner Cusick inquired if there are any private facilities in the County that the residents could utilize instead. Ms. George replied that there are currently no private detoxification facilities.

Commissioner Cusick questioned the source of the potential patients. Mr. Marfisi responded that the primary and secondary catch men areas will come from Lehigh County, the surrounding counties and then the rest of the state. He noted that the previous request of bringing patients in from West Virginia, Maryland, Delaware, Ohio, New York and New Jersey is being stricken.

Commissioner Cusick questioned who will be in charge of the facility as far as accepting patients. Ms. George replied that it will be White Deer Run’s responsibility. Ms. George noted that she anticipates all 31 beds will be filled by Lehigh County residents.

Commissioner Cusick questioned the incident reports from White Deer Run’s facilities across the state. Mr. Marfisi replied that of the four facilities he manages, emergency help was requested no more than twice a month, on average.

Mr. Marfisi discussed the treatment that will be provided at the facility.

Commissioner Cusick questioned what kinds of medication the residents will be given at the facility. Mr. Marfisi stated that they do not put individuals on medication. He noted that they make every effort to take patients off any mood-altering substance because it is a drug-free program.

Commissioner Ackerman questioned how much money Lehigh County will save by opening the new facility. Ms. George stated that the County currently pays between \$200 and \$465 per day per patient, and the proposed detox facility would cost approximately \$160 per day per patient.

Commissioner Cusick inquired as to the location of wetlands in the area. Mr. Mukherjee replied that two areas are identified as wetlands: one is on the top far north corner and the other one is on the far south corner. He stated that neither of those areas will be affected by virtue of this development.

Mr. Glenn Miller questioned if the facility will be subject to inspections. Mr. Marfisi stated that they are open for state inspections at any time. He noted that they typically inspect twice a year and the County inspects as well. Mr. Marfisi commented that the centers he manages typically only have 1-2 minor deficiencies.

Mr. John Eberhard spoke about flood plain concerns.

Motion by Commissioner Cusick to deny the Conditional Use Hearing citing risk to the residents of the Township due to the type of Use that is proposed. Motion died due to a lack of a second.

Motion by Commissioner Brown and seconded by Commissioner Seagreaves to approve the Conditional Use of a Detox Treatment Center at 1600 Riverside Drive with the following condition: The population served would only be from Lehigh and Northampton County and the County agrees to maintain, in good condition, the ring road proposed in the plan and in accordance with all Federal, State and Local regulations.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-ABSENT
COMMISSIONER CUSICK-NO
COMMISSIONER BROWN-YES

The Motion passed by 3-1

MOTIONS

Consideration of a Motion to approve the Preliminary/Final Land Development Plan – proposed Lehigh County Detoxification Center at 1600 Riverside Drive.

Mr. Mukherjee summarized the proposed building in relationship to the site conditions.

A short discussion ensued about the ownership of Riverside Drive. Mr. Solt confirmed that the County currently maintains the road and will continue to do.

The Township Engineer, Mr. Dave Tetterer, expressed concern about the condition of the road, which he feels will only worsen with the added traffic the development will bring. Mr. Solt stated, "Lehigh County will continue to maintain the road in a safe and passable condition."

Mr. Tetterer reviewed his comments as stated in his January 5, 2011 letter and noted that there are several waivers that the Board will need to address.

Waivers

- SALDO 3.2.A.3 – Separate submission of separate preliminary and final plans
- SALDO 10.10.B.2.e – Design of detention basin to drain completely after every storm
- SALDO 10.10.B.2.g – Fencing around infiltration basin, requires buffer yard
- SALDO 10.10.B.2.h – Slope of basin bottom requirement of 2%
- SALDO 10.10.B.2.i – Lining for the basin

Motion by Commissioner Cusick, seconded by Commissioner Seagreaves, to approve the Preliminary/Final Land Development Plan for the proposed Lehigh County Detoxification Center at 1600 Riverside Drive, contingent on the Applicant complying with the comments of the Township Engineer, Keystone Consulting Engineers, in their review letter, dated January 5, 2011; as well as other Township staff such as the Planning/Zoning Director review letter of January 6, 2011; Chief of Police memo dated January 7, 2011; Fire Chief memo; City of Bethlehem memo dated January 11, 2011; and in accordance with all Federal, State and Local regulations. The Board also included in the motion the following waivers: SALDO 3.2.A.3 – Separate submission of separate preliminary and final plans; SALDO 10.10.B.2.e – Design of detention basin to drain completely after every storm; SALDO 10.10.B.2.g – Fencing around infiltration basin requires buffer yard; SALDO 10.10.B.2.h – Slope of basin bottom requirement of 2%; SALDO 10.10.B.2.i – Lining for the basin.

Roll Call:

- COMMISSIONER ACKERMAN -YES
- COMMISSIONER SEAGREAVES-YES
- COMMISSIONER MARTUCCI-ABSENT
- COMMISSIONER CUSICK-YES
- COMMISSIONER BROWN-YES

The Motion passed by 4-0

Consideration of a Motion to approve a donation in the amount of \$200 to the Sportsmen Club to stock the pond at Laubach Park.

Mr. Soriano stated that in previous years, the Board has entertained this request and this contribution is budgeted every year. The contribution of \$200 will buy 100 trout. Mr. Soriano noted that the cost of the Township buying 100 trout would be around \$273.

Motion by Commissioner Seagreaves, seconded by Commissioner Cusick, to approve the donation in the amount of \$200 to the Sportsmen Club to stock the pond at Laubach Park.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-ABSENT
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 4-0

OLD BUSINESS

None

COURTESY OF THE FLOOR

Mr. Soriano announced the retirement of Detective Brian Klimowicz later in the year. It was the consensus of the Board that the Civil Service Commission should embark on the preparation of a Promotional List as well as the preparation of an entry level Eligibility List.

Mr. John Eberhard expressed concerns about not receiving the minutes he requested (pursuant to the Right to Know Law) of the public hearings associated with the Walking Purchase Park Plan. Mr. Soriano explained that the Township does not have the minutes and suggested Mr. Eberhard contact Lehigh County as they ran the public hearings.

Commissioner Seagreaves inquired as to the next step in replacing the fire truck for Eastern Salisbury Fire Department. Mr. Soriano stated that the Department can do research on the replacement, but because the Township is currently running on a deficit, it is premature to submit a formal request.

Commissioner Seagreaves expressed concern about the fence at the baseball field in Devonshire Park. Mr. Andreas stated that he will look into the height of the fence.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Ackerman. The time was 9:55 p.m.