

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:00 PM
August 12, 2010**

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:

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

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 Tettermer, 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.

APPROVAL OF BILLS PAYABLE

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the list of Bills Payable for the period 7/17/2010 through 8/6/2010.

Roll Call vote:

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

The Motion passed by 4-0

MINUTES

July 22, 2010

Commissioner Brown declared the July 22, 2010 Board of Commissioners Regular Meeting Minutes approved as presented.

OLD BUSINESS

None

NEW BUSINESS

APPOINTMENTS

Planning Commission-Ward 4

Commissioner Brown nominated Mr. Glenn Miller of 3513 Baldwin Court to fill the vacant seat of Mr. Keith Snyder. He noted that the term expires in 2014.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to appoint Mr. Glenn Miller of 3513 Baldwin Court to fill the unexpired term of Mr. Keith Snyder.

Roll Call vote:

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

The Motion passed by 4-0

ORDINANCES

Revised Industrial Waste Disposal and Discharge Ordinance – City of Allentown

Preamble reads as follows:

“BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 18, PART 4 OF THE CODE OF ORDINANCES, COMMONLY KNOWN AS THE “SALISBURY TOWNSHIP INDUSTRIAL WASTE DISPOSAL AND DISCHARGE ORDINANCE”

Mr. Soriano noted that the Township has advertised a summary of the Ordinance and a full text sent to the newspaper and the Lehigh County Department of Law, since it would be too financially prohibitive to advertise the entire text of the Ordinance. He stated that the Board of Commissioners is amending its sewage and industrial waste Ordinance to comply with the EPA required changes as mandated by the National Pretreatment Program, set forth in the Code of Federal Regulation 40, Section 403: Pretreatment Streamlining. Mr. Soriano stated that it is basically the same ideas as what the Township did with the City of Bethlehem Ordinance, and that is to incorporate changes to reflect those amended by the City of Allentown, since some of the Township’s industrial sewage is treated by them. This will bring the Township into compliance with federally mandated regulations.

Commissioner Cusick inquired as to the Township’s allotment to Allentown. Mr. Andreas responded that the Township is allotted 2.09 million gallons per day but uses approximately 1.1 million gallons per day, on average.

Commissioner Brown asked if there would be enough water allocated if the hospital were to expand. Mr. Andreas responded that it is assessed every time a planning module is submitted and that it has to be reviewed by the Township, the City, and DEP.

Commissioner Cusick inquired about the project on Flexer Ave. Mr. Andreas stated that the waterline replacement work is going on right now. Commissioner Cusick asked if the Public Works Department monitors the wastewater and drinking water throughout the Township’s pipe system for leaks or deterioration, and if he could give an update as to the condition of the piping. Mr. Andreas stated that he was going to look into including that in the budget discussions throughout this fall.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to adopt Ordinance No. 08-2010-561 AMENDING CHAPTER 18, PART 4 OF THE CODE OF ORDINANCES, COMMONLY KNOWN AS THE “SALISBURY TOWNSHIP INDUSTRIAL WASTE DISPOSAL AND DISCHARGE ORDINANCE”

Roll Call:

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

The Motion passed by 4-0

RESOLUTIONS

Consideration of a Resolution to authorize execution of the PennDOT Winter Traffic Service Agreement

Mr. Soriano stated that this is a renewal of an existing five-year Agreement with PennDOT where the Township provides winter traffic services, such as snowplowing, and other winter applications on streets that are owned by the State and, in turn, the State reimburses the Township for the costs. He noted that the costs are broken down by the five years and total \$8,890.31. Mr. Soriano commented that the streets in question are Oxford Drive and Fairview Road, and the total miles covered by the Agreement are 1.12.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to authorize execution of the PennDOT Winter Traffic Service Agreement for the five year period of 2010-2015.

Roll Call:

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

The Motion passed by 4-0

Consideration of a Resolution for the submission of the Felton Egan-Sewage Facilities Planning Module to PADEP for approval as a revision to the “Official Plan” of the Township.

Mr. Soriano noted that the Planning Commission, on July 13, 2010, approved the Minor Subdivision proposed for 432 E. Emmaus Avenue. The Minor subdivision consisted of subdividing the existing 1.186 acre lot into three parcels. He noted that the Board of Commissioners does not approve minor subdivisions; only major (four lots or more) subdivisions and land developments. The Developers Jonathan Felton & Patrick Egan are now proceeding to formalize their submission to the State DEP for a Sewage Facilities Planning Module and the submittal will require a formal Resolution by the Governing Body.

Mr. Soriano stated that the Planning Module certifies that the three lots will be connected to the Township’s existing sewer system and its sewage will be treated by the City of Allentown. He noted that Allentown can adequately treat the peak flow of an estimated at 1,200 gallons per day.

The proposed disturbance is approximately .34 acres which will not trigger NPDES permitting, and the City of Allentown has signed off on the Sewage Planning Module. Mr. Soriano commented that the Engineer and Public Works Director have reviewed the submittal and have no objections to this Resolution.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the submittal of the Felton & Egan Sewage Planning Module.

Roll Call:

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

The Motion passed by 4-0

MOTIONS

Consideration of a Motion to award the Flexer Avenue Roadway Improvements Project

Mr. Soriano reiterated that the Township is replacing the water main on Flexer Avenue from Green Acres to just short of the intersection of Cedar Lane. After the water main replacement is completed, the Township will perform a total reclamation (paving) of the street. This award will complete the total project. He noted that on July 29, 2010, the Township accepted bids for the work and three bids were received. The lowest bid was submitted by Recon Construction Services, Inc. of York, PA in the amount of \$405,458.70. The Engineer has reviewed the unit prices and found no mathematical discrepancies and is recommending the award. Likewise, the Public Works Director has had past experience with the Contractor and does not have any issues in their ability to perform the work. The Township will use a combination of Liquid Fuels money (\$400,000.00) and Capital Reserves (\$6,000.00). Mr. Soriano noted that the exact amount from the Liquid Fuels will be determined once the bid is sorted out to see what eligible expenditures could be paid out of Liquid Fuels (some roadway improvements, such as curbing, are not eligible). Mr. Soriano commented that the Motion should reflect that the award is made contingent on the Solicitor and Township Manager's review of the contract.

Motion by Commissioner Cusick, seconded by Commissioners Ackerman, to award the bid to Recon Construction Services, Inc. of York, PA, in the amount of \$405,458.70, for the Flexer Avenue Roadway Improvements Project.

Roll Call:

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

The Motion passed by 4-0

Consideration of a Motion to Release Escrow in the amount of \$903,927.86 for the KidsPeace Land Development Project.

Mr. Soriano stated that Keystone Consulting Engineers is recommending the release of the improvement security for this project. The total retained is \$148,499.34 which includes 15% of completed items (\$142,725.68) and \$2,827.45 still outstanding for landscaping and \$2,420 for traffic signs plus \$526.21 for Act 247 coverage.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to release Escrow in the amount of \$903,927.86 for the KidsPeace Land Development Project.

Roll Call:

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

The Motion passed by 4-0

Consideration of a Motion to approve Payment No. 5 in the amount of \$51,191.46 to Imperial Excavating for work performed on the Barnsdale Road Storm Sewer Replacement Project.

Mr. Soriano stated that this project, which started in late 2008, is slowly coming to an end. The retainage of \$14,191.74 represents 5% of the completed work. He noted that there was approximately \$8,000 in cost overruns associated with additional trenching restoration and seeding.

Mr. Andreas stated that it has been operating well for the past year and a half and the paving improvements will improve the functionality.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve Payment No. 5 in the amount of \$51,191.46 to Imperial Excavating for work performed on the Barnsdale Road Storm Sewer Replacement Project.

Roll Call:

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

The Motion passed by 4-0

COURTESY OF THE FLOOR

Mr. Jim Kernan of 2603 Green Acres Drive spoke about alleged drug dealing at Green Acres Park. Mr. Kernan believes there is a Mexican drug gang in the area because of symbols that were painted on the back of the Swain School. He is requesting that the Township remove the basketball rims for a period of time.

Mr. Keith Otto of 2709 Green Acres Drive also believes there is gang activity moving in the park and that they are tagging the Swain School. Mr. Otto questioned what type of support he can expect from the Police Department and the Township.

Chief Stiles stated that he does not want to comment on the situation, but they are looking into it. He stated that the tagging done on the Swain School has been there since June and does not believe it is gang related.

Commissioner Martucci questioned if the Recreation Committee has discussed taking down the backboards. Commissioner Ackerman stated that she did not know and Mr. Adamcik was going to contact the members to talk to them about the graffiti on the Swain School.

Commissioner Martucci stated that he believes there are two different issues at hand: first, taking down the backboards to reduce some of the traffic on the basketball courts, and second, the gang issues around the park. He stated that he personally wants to let the Police Department do their job and does not want the Township to interfere. Commissioner Martucci noted that he is concerned about the backboards because it sounds as though no one has made a decision, and he would like some direction from the Recreation Committee.

Commissioner Brown stated that the Recreation Committee will be submitting a list of recommendations to the Board.

Commissioner Ackerman stated that she believes it is one whole issue because there is an opportunity for people to be doing unlawful negotiations. She noted that if the rims come down, it will take away the attraction.

Commissioner Martucci commented that he is not sure that taking down the rims will alleviate the gang presence, if there is one. He noted that he was hoping to have a response from the Recreation Committee tonight to make a decision.

Mr. Jim Stinner of 2510 Green Acres Drive stated that he is concerned about the deterioration of the neighborhood and would like a response from the Board.

Commissioner Brown stated that he agrees something has to be done. It was the consensus of the Board to make a judgment at next week's meeting.

Mr. Soriano stated that the Recreation Committee did meet to discuss the request from the Board to review the Green Acres courts and to make a recommendation. He noted that he was not at the

meeting, but heard that the Recreation Committee was focusing on enforcement and better signage for the area, not on taking down the rims or backboards. Mr. Soriano read an email from Frank Adamcik to all of the members as follows:

Hello Fellow Members and Staff:

It is time to address the current matter of complaints about basketball at Green Acres Park. It appears that we are in agreement on two courses of action. Better signs and better enforcement of regulations. I would like to hear your suggestions on both. Please list the size of the sign, the wording and sign placements. Feel free to make comments about the enforcement. I will compile your remarks and we can move forward to make recommendations. Perhaps your ideas can be emailed to me by August 7.

I personally do not believe that removing the rims or backboards should be an immediate priority. I agree with Genny's comment that they should only be removed if it is demonstrated that there isn't any need for that many courts. To determine that would take a study over a period of time.

We cannot legally control who uses the courts, tennis, basketball or other, but we should be able to control the actions of those using the courts. Their activity and presence should not create a menacing atmosphere for the residents.

Thank you in advance for your anticipated input.

*Have a great weekend!
Frank Adamcik*

Commissioner Ackerman stated that what the Recreation Committee wants to do is not enough. She noted that the neighbors want just one full court and two half-moon courts for a trial period, and if it has not hindered the non-resident players in any way, then they want them all down.

Commissioner Cusick asked if the Public Works Department maintains the basketball courts in the parks. Mr. Andreas stated that they have been in existence for many years and the Township has invested in resurfacing them and structurally improving them to make courts desirable and playable.

The consensus of the Board is to decide on a course of action by the next meeting with the input from the Recreation Committee.

Commissioner Martucci stated that he had a complaint from a person on Lehigh Avenue who wants the Township to install speed bumps along Lehigh Avenue. Chief Stiles stated that it is a liability issue and the Township would have to do a traffic study and speed survey, which is very expensive. He noted that he would like to send one of the officers out there to do enforcement.

Commissioner Martucci inquired about putting in a four-way stop sign at Lehigh and Brook Avenue. Chief Stiles stated that it is regulated by the State, and in Pennsylvania, you must get a special traffic warrant from PennDOT, which would include the number of vehicles per hour. Commissioner Martucci stated that if it becomes more of an issue, he would like to see something done about it.

Commissioner Ackerman commended the Public Works Department for the project on Flexer Avenue.

Chief Stiles stated that the Police Department provided security assistance for the Secret Service when President Clinton was in town.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 8:12 p.m.