

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:00 PM
October 14, 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:

James Brown, President
Robert Martucci, Jr., Vice President
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 - EXCUSED
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 PAYABLES

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the list of Bills Payable for the period 9/18/2010 through 10/08/2010.

Roll Call vote:

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

The Motion passed by 5-0

MINUTES

September 23, 2010

Commissioner Brown declared the September 23, 2010 Board of Commissioners Regular Meeting Minutes approved as presented.

OLD BUSINESS

None

NEW BUSINESS

None

ORDINANCES

Consideration of an Ordinance establishing motor vehicle parking regulations within a Special Enforcement District.

Mr. Soriano provided a brief synopsis of the Ordinance that will create the concept that the Board will utilize to establish Special Parking Enforcement Districts in the Township. He stated that this enabling legislation provides a framework for the Chief and the Board to proceed with such ideas as the Lehigh Valley Hospital district. He noted that the Ordinance will define words and phrases that are similar to those used in the PA Motor Vehicle Code. "Special District", when used in the Ordinance, shall mean those portions of the land within the Township which have been established and classified as a Special Enforcement District in

accordance with the "Salisbury Township Ordinance," as amended, and the boundaries of the Special Enforcement District that are so designated on the map of the Township.

Mr. Soriano stated that the Ordinance establishes regulations to govern this Special Parking District and covers parking zones such as Loading and Unloading Zones, Emergency Vehicle Zones, Emergency Vehicles, Motorcycle Zones, Fire Zones Parking Spaces, Owner Designated Zones and Handicapped Parking Zones. The Ordinance authorizes the Chief to approve the designation of the roadways and signs and create a Map. He noted that costs and expenses associated with the creation of the map, markings and purchases and maintenance of signs, shall be borne by the Owner.

Mr. Soriano commented that the Ordinance establishes provisions for Enforcement and shall be handled by those individuals authorized by the Chief with powers bestowed by the District Judge. He stated that violations will be in the form of a Summary Offense and if convicted, the fines will be as determined by the District Justice in addition to the costs of prosecution. A notice of violation of any provision shall be placed on the vehicle parked in violation.

Mr. Soriano noted that a Notice of the Ordinance enactment was advertised on October 6, 2010, and a copy will be sent to the Salisbury Press and Lehigh County Law Library in accordance with the Township Code. Mr. Soriano read the Ordinance into the record:

SALISBURY TOWNSHIP

ORDINANCE NO. 10-2010-_____

AN ORDINANCE ESTABLISHING MOTOR VEHICLE PARKING REGULATIONS WITHIN THE SPECIAL ENFORCMENT DISTRICT, PROVIDING FOR THE ENFORCEMENT THEREOF, AND DESIGNATING CERTAIN PARKING ZONES EXCLUSIVELY RESERVED FOR HANDICAPPED PARKING AND OTHER SPECIFIED PURPOSES IN ORDER TO PROMOTE THE CONVENIENCE AND PROTECTION OF THE PUBLIC.

AUTHORITY AND ORDAINING CLAUSE

WHEREAS, pursuant to authority granted under Article XLIX of the Act of June 24, 1931, P.L. 1206, No. 331, known as the "First Class Township Code" as amended, which authorizes in pertinent part the Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania with the power:

"To regulate parking, to provide parking accommodations so as to promote the convenience and promote the convenience and protection of the public and to establish or designate, at the discretion of the commissioners, areas exclusively reserved for parking by handicapped individuals;...to post signs regulating parking in areas established or designated for handicapped parking;" and

***WHEREAS**, the Township of Salisbury has established within the boundaries of the Township a district known as a Special Enforcement District (hereinafter "Enforcement District") which contains certain private roadways and parking areas open to and utilized by the public which are the exclusive subject of this Ordinance; and*

***WHEREAS**, the Board of Commissioners, recognizing the need for the regulation of parking within the Special Enforcement District desires to delegate the Chief of Police of Salisbury Township (the "Chief of Police") the power and authority to enforce the provisions of this Ordinance and to authorize the Chief of Police to delegate certain individuals with the responsibility of enforcing the provisions of this Ordinance; and*

***WHEREAS**, the Board of Commissioners has determined that the rules, regulations and procedures set forth hereunder are necessary and essential to promote the convenience and protection of the public.*

***NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania as follows:*

ARTICLE I

A. PURPOSE

The following regulations shall be created for the following purpose:

- 1. To promote the convenience and protection of the public by regulating motor vehicle parking within the Special Enforcement District, and*
- 2. To establish motor vehicle parking areas exclusively reserved for handicapped parking and other specified purposes within the Special Enforcement District.*

B. *This Ordinance shall be known and may be cited as "Salisbury Township Special Enforcement District Parking Ordinance."*

ARTICLE II

DEFINITIONS

A. *Words and phrases, when used in this Ordinance shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, 75 P.S. 101, et seq., as now in force, or as hereafter amended, except the word "Roadway" shall be further defined to include the definition in the Vehicle Code of Pennsylvania for "Private road or driveway;" the word "Owner" shall be defined to mean the person or persons in whom is vested the ownership of the real property within the Special Enforcement District; or where the context as used in this*

Ordinance clearly indicates a different meaning.

- B. *Words used in the present tense include the future tense, the singular includes the plural, the word "person" includes a corporation as well as an individual, the work "shall" is always mandatory.*
- C. *The term "Special District" when used in the Ordinance shall mean those portions of the land within the Township which have been established and classified as a Special Enforcement District to be governed in accordance with the Salisbury Township Code of Ordinances, Chapter 15, Motor Vehicles and Traffic, Part 4 "General Parking Regulations" §401- §510 and the PA Vehicle Code, Title 75, Part III, Ch. 33(E) §§3351-3354. The boundaries of the Special Enforcement District shall be identified on a map of the Township.*

ARTICLE III

PARKING REGULATIONS

- A. *Parking motor vehicles in certain parking zones:*
 - 1. *Loading or Unloading Zones- No person shall stand or park any motor vehicle except an Emergency Vehicle in any parking area or roadway designated as a zone for the loading or unloading of persons or property in violation of signs erected at such zones which indicate "No Parking."*
 - 2. *Emergency Vehicle Zones- No person shall stop, stand or park any motor vehicle, except an Emergency Vehicle, in any parking area or roadway which is designated by signs as a parking zone for "Emergency Vehicles."*
 - 3. *Motorcycle Zones- No person shall stop, stand or park any motor vehicle other than a motorcycle in any parking area or roadway which is designated and marked as a parking zone for motorcycles.*
 - 4. *Fire Zones - No person shall stop, stand or park any motor vehicle or otherwise block any passage, entrance or exit ways to, in or about any public place or building occupied for public use or accommodation within the Special Enforcement District so as to interfere with or obstruct the free and unimpeded passage of persons and fire equipment around said public place or building in violation of the signs which designate "No Parking" erected in said zones.*
 - 5. *Parking Spaces - Whenever individual motor vehicle parking spaces shall be marked by painted lines on any parking area within the Special Enforcement District for the purpose of parking a motor vehicle, no person shall stop, stand or park any motor vehicle any place other than*

within the marked lines bounding such space.

6. *Owner-Designated Zones- No person other than the Owner or Owner's specially designated employees and visitors shall stop, stand or park any motor vehicle in any parking area or roadway which is designated and marked as a parking zone for Owner's or Owner's specially designated employees and visitors motor vehicles.*
7. *Handicapped Parking Zones - No person shall stop, stand or park any motor vehicle in any parking space which is marked and designated by signs as a parking space for a "Handicapped Person" unless the motor vehicle clearly displays an official place card or official license plate indicating the operator is a handicapped person or disabled veteran.*

ARTICE IV

AUTHORIZED ZONES, SIGNS AND MARKINGS

- A. *The Board of Commissioners authorizes the Chief of Police to review and, if satisfactory, approve, upon the recommendation of Owner, the designation and location of the specific roadways and parking areas which shall comprise the zones established by Article III and further, to review and approve the erection of any official signs and markings necessary to carry out the intent of this Ordinance. All cost and expenses regarding markings of parking areas and roadways and purchases and the maintenance of any official signs shall be the duty and responsibility of the Owner.*
- B. *A map identifying the designation and location of the specific roadways and parking areas which shall comprise the zones established by Article III shall be provided to Salisbury Township and maintained by the Owner.*

ARTICLE V

ENFORCEMENT

- A. *Enforcement of the provisions of Article III shall be done by those individuals designated and authorized to do so by the Chief of Police upon the recommendation of Owner and shall be limited to security officers and personnel employed by Owner. The designated individuals shall act in accordance with instructions and procedures issued by the Chief of Police. The Chief of Police shall maintain a complete list of all individuals so designated.*

ARTICLE VI

VIOLATIONS AND PENALTIES

- A. *Any person who violates any provision of Article III - Parking Regulations is*

guilty of a summary offense and shall, upon conviction by a District Justice, be sentenced to pay a fine as determined by such District Justice in accordance with the PA Vehicle Code and Salisbury Township Ordinances in addition to the costs of prosecution.

B. *A notice of violation of any provision of Article III - Parking Regulations shall be placed on the vehicle parked in violation. Such notice shall contain instructions to the owner or operator of such vehicle that, the violator shall report to the Police Department of the Township of Salisbury or such other office or place within the Special Enforcement District designated by the Chief of Police within Ten (10) days of the time such notice was given and pay as a penalty the sum of Fifteen (\$15.00) Dollars for all violations, with the exception of a penalty in the sum of not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars for Handicapped Parking Zone violations. The timely payment of such penalty shall save the violator from prosecution and from payment of the fines and costs above prescribed.*

C. ADDITIONAL VIOLATIONS

1. *In the event a violation of Sections A-2 (Emergency Vehicle Zones) or A-4 (Fire Zones) of Article III continues for a period of three (3) hours from the time a notice of violation has been placed on the vehicle, such violation shall constitute a separate and additional violation and subject the violator to separate and additional fines and costs or penalties hereunder.*

2. *In the event a violation of Sections A-1 (Loading or Unloading Zones), A-3 (Motorcycle Zones), A-6 (Owner Designated Zones) or A-7 (Handicapped Parking Zones) of Article III continues for a period of four (4) hours from the time a notice of violation has been placed on the vehicle, such violation shall constitute a separate and additional violation and subject the violator to separate and additional fines and costs or penalties hereunder.*

D. *All fines and penalties collected for the violation of this Ordinance shall be paid over to the Township of Salisbury.*

ARTICLE VII

MISCELLANEOUS

A. *All Ordinances or parts thereof inconsistent herewith are hereby repealed in art as they would affect or impact parking in Special Enforcement Districts within the Township of Salisbury,*

B. *Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect validity of this Ordinance as a whole, or of any other part thereof.*

- C. *Nothing in this Ordinance shall preclude or prohibit the Owner from removing or causing to be removed any motor vehicle which is parked within the Special Enforcement District in violation of any provision of Article III. No person employed by the Owner and authorized pursuant to Article V to enforce the provisions of Article III of this Ordinance, shall be directly engaged in the activity as an attendant to any such removal, however. In the event a motor vehicle is removed, such removal shall be at the expense of the motor vehicle owner. The Owner or any person removing or having removed any motor vehicle parked in violation of the provisions of Article III shall be immune from criminal or civil liability arising out of such removal of a motor vehicle.*
- D. *Effective Date. This ordinance shall take effect fifteen (15) day after adoption.*

ORDAINED AND ENACTED into an Ordinance this 14th day of October, 2010 at a duly advertised, noticed, published and lawfully assembled regular public meeting and hearing.

Mr. Soriano turned over the discussions to Chief Allen Stiles who discussed the proposed Ordinance. Chief noted that he has worked with Lehigh Valley Hospital security to develop this concept for a Special Enforcement District. He stated that he would like the Lehigh Valley Hospital security to enforce the parking regulations on their own property only. Chief noted that the security personnel will be selected by the Police Department, trained by the Traffic Enforcement Officer, Bryan Losagio, and sworn in by the District Judge.

Chief stated that if a citation has to be written based upon non-payment of a parking ticket, the security guards will be available to testify that they issued the parking ticket to that particular vehicle. He noted that the costs of printing the tickets and making/placing the signs will be paid for by Lehigh Valley Hospital, but the fines collected will come to the Township. He stated that the Hospital will be able to have more control over illegal parking and the agreement will free the Police Officers from having to spend a lot of time writing parking tickets on Hospital property.

Commissioner Brown inquired if this agreement was only for the Cedar Crest Boulevard location. Mr. Soriano stated that it is in the agreement as such, but the Ordinance makes reference to the map, so you would have to accept the map as the Enforcement District.

Commissioner Cusick asked Chief Stiles if there was any other place in the Township where Special Enforcement Districts might also apply. Chief stated that it could be applied to the South Mall and the Cedar Crest Professional Park.

The Board agreed that it is a good union, reducing the burden on the Police Department and saving taxpayer dollars.

Motion by Commissioner Cusick, seconded by Commissioner Seagreaves, to approve Ordinance 10-2010-__.

Roll Call:

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

The Motion passed by 5-0

RESOLUTIONS

Consideration of the Preliminary/Final Scott Chevrolet Land Development Plan – 3333 Lehigh Street and extension of the review period.

Mr. Soriano noted that the Board previously approved a Plan for the addition of the service area bays for Scott Chevrolet. Due to corporate changes and in order to adhere to the design standards of General Motors Corporation, Scott Chevrolet had to redesign the plan. The Planning Commission reviewed this revised Land Development Plan during their July 13, 2010 meeting and recommended approval of the project to the Board.

Mr. Steve Pany, P.E. was present to represent the developer. Mr. Pany explained that they want a service reception area on the south side of the building to replace the service bay addition that was previously approved. He stated that they have added some landscaping as per the request of the Planning Commission. Mr. Pany noted that he would like a Deferral from SALDO 10.16 (street trees) to maintain visibility.

Dave Tetterer, Township Engineer explained the proposed minor changes and noted that any approvals should be contingent on the applicant complying with his review letter dated July 7, 2010.

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to approve the Preliminary/Final Plan for Scott Chevrolet - 3333 Lehigh Street with Waivers to SALDO 3.2.A.3 (Preliminary/Final Plan), SALDO 5.3.F.2 (slope shading) and Deferrals to SALDO 10.12 (curb and sidewalk) and SALDO 10.16 (street trees) and complying with the comments of the Township Engineer's review letter dated July 7, 2010, the Director of Planning and Zoning's review letter dated July 9, 2010 and meeting all other Federal, State, and Local Ordinances.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES

COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Resolution to accept the highest bid for the public-owned East Wayne Avenue parcel.

Mr. Soriano noted that on October 11, 2010, the Township opened the only bid received for this sale. The apparent high bidder is Chris Trengue, 1944 Potomac Street, in the amount of \$10,050.00. The Board ought to consider the award and the following Resolution has been drafted for that purpose:

RESOLUTION NO. 10-2010-__

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPROVING AND AUTHORIZING THE SALE OF PUBLIC-OWNED LAND LOCATED IN THE 800 BLOCK OF EAST WAYNE AVENUE

WHEREAS, Salisbury Township, Lehigh County, Pennsylvania (hereinafter "Township") is the present owner of a parcel of land located in the 800 block of East Wayne Avenue identified as Parcel Identification Number 641614534308-1; and

WHEREAS, the Township desires to sell said parcel to the highest bidder; and

WHEREAS, pursuant to the First Class Township Code, Township advertised for bids for the sale of said Township real property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania and it is hereby resolved by same, that the aforementioned parcel on East Wayne Avenue identified as (PIN#641614534308-1), be hereby sold to Christopher and Christina Trengue, 1944 Potomac Street, Allentown, PA 18103 for the sum of \$10,050.00.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania to authorize Randy Soriano, Township Manager, to execute an Agreement of Sale and any and all appropriate documents necessary to effectuate same.

DULY ENACTED this ____ day of _____, 2010 at a public meeting in the Township of Salisbury.

Motion by Commissioner Cusick seconded by Commissioner Martucci, to accept the Resolution as read for effectuating the sale of the E. Wayne Avenue parcel.

Roll Call:

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

The Motion passed by 5-0

Consideration of a Resolution providing for the retroactive elimination of Non-Uniformed members pension contributions for the years 2007-2010

Mr. Soriano noted that a recent audit found that the Board would need to formalize their action of elimination contributions for members of the Non-Uniformed Pension Plans with Pennsylvania Municipal Retirement Systems for the years 2007-2010. The current Agreement with PMRS requires that by Resolution, the Board of Commissioners may eliminate member contributions. The Contract Bargaining Association of the Public Works Department mandates that the Township fund the Non-Uniformed Pension Plan. Therefore, to avoid any audit findings, this Resolution must be adopted.

RESOLUTION NO. 10-2010-

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, PROVIDING FOR THE RETROACTIVE ELIMINATION OF THE AMOUNT WHICH SALISBURY TOWNSHIP NON-UNIFORMED EMPLOYEES ARE REQUIRED TO CONTRIBUTE TO THE PENNSYLVANIA MUNICIPAL NON-UNIFORMED PENSION PLAN

WHEREAS, pursuant to Article IV, Section 401, the Act of February 1, 1974 (P.L.34, No.15), as amended, also known as the Pennsylvania Municipal Retirement Law, on or about May 11, 2006, the Township of Salisbury entered into an agreement with the Board of the Pennsylvania Municipal Retirement System to upgrade its Pension Plan benefits; and

WHEREAS, Section 9 of the aforementioned Agreement stipulates that the Township may elect, by Resolution, to lower or waive the required contribution rate if sufficient funds exists; and

WHEREAS, through a collective bargaining process, the Township of Salisbury agreed to fund the Township's Non-Uniformed Pension Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania and it is hereby resolved by same that the required contributions to the Pennsylvania Municipal Non-Uniformed Pension Plan made by all of the Township employees eligible for participation in the Township's Pension Plan, shall be retroactively eliminated for and during the years 2007 through 2010.

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to adopt the Resolution as read for eliminating the member contributions for the Non-Uniformed Pension Plan retroactively from 2007-2010.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES

COMMISSIONER BROWN-YES

The Motion passed by 5-0

MOTIONS

Consideration of a Motion to authorize entering into a Parking Enforcement Agreement with Lehigh Valley Hospital.

Mr. Soriano noted that with the enactment of the Special Enforcement District Ordinance and delineation of the Lehigh Valley Hospital Enforcement District, the Board can enter into an Agreement between the property owner and the Township to formalize the responsibilities and services that the Township will provide, as well as address compensation, Liability Insurance and other legal requirements. Attached to the Agreement will be a map outlining the areas to be covered and signs as approved by the Ordinance. Mr. Soriano reviewed the proposed Agreement:

***SALISBURY TOWNSHIP AND
LEHIGH VALLEY HOSPITAL***

PARKING ENFORCEMENT AGREEMENT

*This Agreement made this _____ Day of _____, 2010,
between **LEHIGH VALLEY HOSPITAL**, having an address of 1200 South Cedar Crest
Boulevard, Salisbury Township, Allentown, Pennsylvania 18103 (hereinafter "**Owner**")
and the **TOWNSHIP OF SALISBURY**, Lehigh County, a First Class Township having
an address of 2900 South Pike Avenue, Allentown, Pennsylvania 18103 ("**Township**").*

*Whereas, Owner owns certain parking lots located on their **1200 Block of
South Cedar Crest Boulevard main campus**, in the Township of Salisbury, Lehigh
County, Pennsylvania **more fully depicted on the attached map marked as "Attachment
A"** (hereinafter the "**Premises**"); and*

*Whereas, Owner desires to contract with the Township to provide certain
support services for the regulation of parking on the Premises.*

*Therefore, in consideration of the mutual covenants herein contained and
intending to be legally bound, Owner and Township agree as follows:*

- 1. Responsibilities and Services of Township:*** *Owner and Township hereby agree that the following services will be provided by the Township:*
 - a. Provide parking tickets to the owner or its appointed representative, which shall be at Owner's expense;*
 - b. Train supervisors and security staff with respect to the issuance and processing of parking tickets;*
 - c. Ensure proper signage is located on the Premises, which signage*

- shall be at the Owner's expense;
- d. Handle all administrative paperwork and processing for issuance and collection of parking tickets; and
- e. Provide personnel for the prosecution of the parking tickets with the assistance of the Owner's personnel, if required.

2. **Responsibilities of Owner:**

- a. The Owner shall have the issuing member of the security staff available for the summary trial if the parking ticket goes unpaid and a state citation is filed.
- b. Pay for all costs related to purchasing of parking tickets/citation forms.
- c. Pay for all costs and expenses related to the erection of signage as designed by the Township.
- d. Provide personnel for the prosecution of the parking tickets
- e. The Owner shall provide a Certificate of Liability Insurance to the Township in the amount of \$1,000,000 and naming the Township as an additional insured.

3. **Compensation:** Owner and Township agree that Township's compensation for providing the above enumerated services shall be all revenues derived from the issuance and collection of the parking-tickets in accordance with this Agreement. Owner shall submit all revenues at the end of each quarter (month?) to the Township Police Department and shall include the citations issued and a reporting of all citations issued and monies collected.

4. **Notices:** All notices must be given by Certified Mail, Return Receipt Requested as follows:

To Owner:

Name _____

Lehigh Valley Hospital

Mailing Address _____

AND

To Township:

Randy Soriano, Township Manager
Salisbury Township

2900 South Pike Avenue
Allentown, PA 18103

Allen W. Stiles, Chief of Police
Salisbury Township Police Department
3000 South Pike Avenue
Allentown, PA 18103

5. **Termination of Agreement:** *It is hereby mutually agreed that either party hereto may terminate this Agreement at any time by giving to the other party written notice thereof at least thirty (30) days prior thereto, but in default of such notice, this Agreement shall continue upon the same terms and conditions in full force and effect as immediately prior thereto.*

6. **Waiver of Liability, Hold Harmless, Express Assumption of Risk:** *Owner hereby releases, waives, discharges and covenants not to sue the Township, its officers, employees, and agents (collectively referred to as the "Township") from all liability to Owner, its officers, employees, and agents (collectively referred to as the "Owner") for any loss or damage, and for any claims on account of personal injuries or property damage caused by the negligence of Owner while performing said parking enforcement activities. Owner hereby agrees to indemnify, save, and hold harmless the Township, its officers, employees, and agents and each of them from any loss, liability, damage, costs or reasonable attorney fees that may be incurred for any loss or damage, and for any claims on account of personal injuries or property damage caused by the negligence of Owner while performing said parking enforcement activities. Owner hereby assumes full responsibility for any risk of bodily injury, death or property damage due to the negligence of Owner for any loss or damage, and for any claims on account of personal injuries or property damage caused by the negligence of Owner while performing said parking enforcement activities.*

7. **Entire Agreement:** *It is expressly understood and agreed by and between the parties hereto that this Agreement sets forth all the promises, agreements, conditions, and understandings between the Owner and Township relative to the Premises and that there are no promises, agreements, conditions or understandings, either oral or written, between them other than herein set forth. It is further understood and agreed that, except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon Owner or Township unless reduced to writing and signed by both parties.*

8. **Successors and Assigns:** *This Agreement shall extend to and be binding upon the successors and assigns of said parties.*

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to approve the Parking Enforcement Agreement between the Township and Lehigh Valley Hospital as presented.

Roll Call:

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

The Motion passed by 5-0

Consideration of a Motion to award the bid for the Sewer Flow Monitoring and Data Logging Project

The Township received only one bid on October 4th, 2010 for the project. The Engineer has not provided a review on the only bid received and is not in a position to recommend its acceptance or rejection. Mr. Soriano noted that the following Motion will be withdrawn. The Township has 60 days to render a decision.

Consideration of a Motion to authorize the engagement of technical services from Lehigh Valley Planning Commission to develop Access Management guidelines.

Mr. Soriano noted that Ms. Sopka forwarded a Memo at the last work session outlining the process. She reported that at the Salisbury Township Planning Commission meeting held on September 14, 2010, the discussion on submitting a letter of interest to participate in the LVPC Access Management Program was addressed. All of the Planning Commissioners in attendance voted on making the recommendation for the Board of Commissioners to proceed with the program. Ms. Sopka gave a short review on what Access Management entails.

She explained that it operates under the concept of accomplishing multiple objectives with a single approach. The principle areas of concern are:

1. Streets and highways
2. Minimizing the number of conflict points
3. Separate basic conflict areas
4. Limit deceleration requirements
5. Remove turning vehicles from through lanes

Mr. Soriano noted that the out of pocket costs to the Township would be approximately 20 hours of engineer time, or approximately \$2,000.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to authorize the Planning Director to send a letter to the Lehigh Valley Planning Commission for technical services for the implementation of an Access Management Program in the Township.

Roll Call:

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

The Motion passed by 5-0

Consideration of Payment #1 to Joao & Bradley Construction Co. in the amount of \$386,295.98 for work performed on the Flexer Avenue Water Main Replacement Project

Mr. Soriano noted that the project has been completed to the satisfaction of the Township. Mr. Soriano questioned if there was some outstanding curbing work to be done. Mr. Tetteimer stated that the curbing is going to be part of the road construction, but the water portion is complete.

Commissioner Martucci asked why the Township is only retaining 2.5%. Mr. Tetteimer responded that the amount is based on an estimate of the punch list items. He noted that there are a few minor punch list items that need to be taken care of and as soon as those are done, then that retainage will be released.

Motion by Commissioner Cusick, seconded by Commissioner Segreaves, to authorize the Payment No 1.

Roll Call:

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

The Motion passed by 5-0

Consideration of a Payment (Final) to Joao & Bradley Construction Co. in the amount of \$28,299.00 for emergency repair work performed to replace a water main on Emmaus Avenue.

Mr. Soriano noted that this work was emergency work that needed to be done with regards to a water main break on Emmaus Avenue and Dauphin Street. Mr. Soriano noted that the Township solicited a price from the contractor that was installing the Flexer Avenue Water Main in order to complete this emergency work. A discussion ensued on whether the contractor will provide a Maintenance Agreement for the work. Mr. Tetteimer stated that he will discuss this issue with the Contractor.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to authorize the Payment No 1 for the Emergency Water Main replacement at Emmaus Avenue and Dauphin Street.

Roll Call:

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

The Motion passed by 5-0

COURTESY OF THE FLOOR

Kermit Gorr of St. Lukes Emergency Transport Services was present to give an update of the emergency response on the East side of the Township. The report is as follows:

2010 Annual Report-Salisbury Township

Operations

- *Since January 2010 SLETS responded to 375 emergency calls*
- *Average Response Time is less than 8 minutes for non-critical/non-emergency calls*

Financials

- *2011 capital investments for FH location: \$80,000 for new ambulance*
- *SLETS loss for FY 2010 was \$409,000 about \$110,000 was the Lehigh County operation.*
- *SLETS is projected to have a loss of \$260,000 for FY 2011.*
- *Reason for the loss: decreasing medical assistance, Medicare reimbursements. Increase amount of bad debt (Miners operations)*

Community Benefit

St. Luke's ETS provides EMS stand-by services to Salisbury High School sporting events in 2009 & 2010.

In June 2010, crews participated in a DUI awareness presentation with Eastern Salisbury Fire Department and Salisbury Township Police Department.

Ambulance subscription drive raised more than \$32,000 to benefit Salisbury Township Police Department Quick Response Unit.

Provided medical supplies for Eastern Salisbury Fire Department. (AED pads).

Commissioner Cusick questioned the results of the ambulance subscriptions. Mr. Gorr responded that between 14-16% of Eastern Salisbury residents subscribed to the services, which is higher than the other drives he runs in other Municipalities.

Commissioner Martucci stated that he was approached by members of the Salisbury Fire Department because they are having problems with the roof over the garage on their property and it is no longer compliant. He stated that they have a member who would like to repair the roof in lieu of storage space but was told by Sandy Nicolo, the Township Code Enforcement Officer, that this would not be possible. Commissioner Martucci noted that he would like that decision to be reviewed and work with the Department. He stated that he is going to try and have them write a report to detail the plans. Ms. Sopka noted that she would take a look into it as well.

Chief Stiles noted that Trick-or-Treat Night is on October 29th from 6:00pm-8:00pm and the Police Department will be doing a lot of additional patrols. He reminded everyone to slow down and be aware of the children that are Trick-or-Treating.

Chief also noted that the new building is coming along on schedule and they should be moved in by mid-November.

Ms. Sopka stated that the Walking Purchase Park cleanup is scheduled for November 13th and the final meeting will be on October 29th to coordinate the details. She noted that there are two areas of focus: Riverside Drive and down the embankment on Constitution Drive. Ms. Sopka asked if the Township would provide a front-end loader for the cleanup. Mr. Soriano stated that the request should be added to the agenda for the meeting on October 28th.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 8:10 p.m.