

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
SEPTEMBER 13, 2012
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 Brown asked everyone to rise and recite the Pledge of Allegiance, followed by a short period of silence and reflection.

The Board immediately convened into an Executive Session with Chief Stiles and Attorney Ashley to discuss personnel matters.

The Board reconvened at approximately 7:50 p.m.

CALL TO ORDER

Commissioner Brown called the meeting to order at 7:50 p.m.

Commissioner Brown turned over the proceedings to the Township Manager, Randy Soriano.

ROLL CALL

Board Members Present:

James Brown, President

Robert Martucci, Jr., Vice President

James Seagreaves, President Pro-Tempore-ARRIVED LATE

Joanne Ackerman

Debra Brinton

Staff Present:

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 Tetterem, representative of Township Engineer, Keystone Consulting Engineers

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 three 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, it is preferred that the speaker announce if he or she is a Township resident. He noted that if a resident does not divulge his or her address, it will impair the Township with administrative follow ups on a particular issue.

APPROVAL OF BILLS PAYABLES

Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to approve the list of Bills Payables for the period 8/18/2012-9/7/2012, broken down as follows: General Fund - \$620,758.25; Fire Fund - \$2,311.17; Library Fund - \$0; Water Fund - \$25,282.96; Sewer Fund - \$322,152.99; Refuse & Recycling Fund - \$125,335.00; Highway Fund - \$17,480.38; Subdivision and Escrow Fund - \$1,000.00; Total of all Funds - \$1,114,320.75.

Roll Call:

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

The Motion passed by 4-0

MINUTES

August 23, 2012

Commissioner Brown declared the August 23, 2012 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

ORDINANCES

None

RESOLUTIONS

Motion to approve Resolution No.09-2012-1493, adopting the April 2012 Final Draft of the Comprehensive Plan and Errata Sheet last revised on August 22, 2012.

Mr. Soriano provided the Board with a brief background of the process of preparing the Comprehensive Plan. Mr. Soriano stated that the Planning Commission held over 14 meetings and throughout the meetings, public input was sought for various components of the Plan. The Planning Commission prepared a Draft and it was distributed to surrounding municipalities, two of which made comments (Lehigh Valley Planning Commission and Lower Macungie Township). He noted that pursuant to the Public Hearing held on April 10, 2012, the Planning Commission recommended unanimously to the Board to adopt the Plan.

Mr. Soriano noted that following the Public Hearing that the Board held on July 26, 2012, Charlie Schmehl, the Township's consultant from Urban Research and Develop Corporation, revised the Comprehensive Plan and Map to reflect some comments made by residents. He commented that the changes are shown as an attachment Errata Sheet dated August 22, 2012. Mr. Soriano noted that he intends to circulate this Resolution to the parties who expressed concerns and requested changes. He stated that in essence, the language of the revised Comprehensive Plan is more generic in its goals and objectives and leaves room to tackle the implementation of how those goals are applied in the update of the Zoning Ordinance and Map.

Mr. Soriano explained that the document itself is not legally binding, so after the adoption, it is up to the Planning Commission and the Board to adopt the Ordinances that will implement the Comprehensive Plan, mainly the Zoning Ordinance and the SALDO. He further noted that any substantive issues about zoning, (i.e. permitted uses, whether a property is now shown in an R-5 zoning district versus an R-4, etc.) will be discussed and put into the Zoning Ordinance, a document that has enforceability. Mr. Soriano commented that the Comprehensive Plan is not the form to discuss specifics, but instead it is to be used more as a guide for the planners so they have an official document to follow.

Ms. Janet Keim of 11 Pine Street was present to address the Board in regards to the zoning use of a tract of land on Emmaus Avenue owned by the Salisbury Township School District. She is requesting that the C-R zone line be dropped to Emmaus Avenue instead of the current R-3 zoning district.

Ms. Sopka explained that the difference between a C-R district and an R-3 district is that the C-R district requires larger lot sizes for single-family dwellings whereas R-3 permits higher density residential building because it allows for smaller lot sizes. She also noted that the Zoning Ordinance is regulatory and is usually reflective of the Comprehensive Plan.

Mr. Tettemer stated that the Zoning Ordinance should be consistent with the Comprehensive Plan because the Plan is a guide to the preparation of the Zoning and SALDO Ordinances. He went on to state that he believes there might be a challenge in court if there would be a significant change in the location of a zoning line between the two documents, or if a property

was intended to be in one zoning area in the Comprehensive Plan and then revised in another zoning area in the Zoning Ordinance.

Mr. Sopka stated that the land was previously zoned C-R and became R-3 in 1993. Mr. Soriano advised that in order to change the zoning district of the land, the Board would have to revise the Comprehensive Plan and hold another Public Hearing because it would be considered a substantial change.

Ms. Mary Anne Stinner and Ms. Jane Benning, Township residents, also addressed the Board to express their concerns about the tract of land remaining in an R-3 zoning district and requested that it be changed to a C-R zoning district.

Mr. Stanley Siuciak of 1215 Caroline Road expressed concerns about the language in the Resolution.

Commissioner Brown asked for a Motion to adopt the Resolution. After no Motion was heard, Mr. Soriano suggested the Board articulate the reasons why the Draft will not be adopted. Commissioner Martucci responded that the Board should Table the Draft to ensure that nothing was overlooked.

Attorney Ashley suggested giving the Planning Commission some direction in what to revise. Commissioner Brown stated that the Planning Commission should look at the R-3 zone in the area of the South Mountain, specifically the area off of Emmaus Avenue.

Mr. Soriano stated that it is up to the Board at this time, not the Planning Commission, to determine what changes will be made. He reminded the Board that if there are substantive changes, another Public Hearing will have to be held. Attorney Ashley suggested holding another meeting with the Consultant from URDC to discuss the concerns.

Motion by Commissioner Martucci, seconded by Commissioner Brinton, to Table Resolution No. 09-2012-1493, adopting the April 2012 Final Draft of the Comprehensive Plan and Errata Sheet last revised on August 22, 2012, pending an additional review with the consultant.

Roll Call:

COMMISSIONER ACKERMAN - YES
COMMISSIONER SEAGREAVES -YES
COMMISSIONER MARTUCCI - YES
COMMISSIONER BRINTON - YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

MOTIONS

Motion to award the Lincoln/Flexer Avenue Roadway Resurfacing/Reconstruction Project.

Mr. Soriano stated that on September 4, 2012, the Township received four bids for the Flexer Avenue Roadway Resurfacing/Reconstruction Project, and the apparent low bidder was Livengood Excavators in the amount of \$319,924.31.

Mr. Soriano commented that the original Highway/Liquid Fuels budget shows an allowable \$253,000 for construction. Mr. Soriano stated that portions of the work are not eligible expenses under the Liquid Fuels Fund. He noted the ineligible expenses as curbing work, storm water manhole adjustments and the replacement of sanitary sewer manhole castings. Mr. Soriano stated that when the ineligible Highway/Liquid Fuels portions are netted out, the total amount is \$260,906.13 that will be spent out of Liquid Fuels, which will require a transfer of only \$7,906 from savings (approximately \$300,000 in Liquid Fuels to finish the work). Mr. Soriano commented that \$44,668 of curbing cost will be done through the General Fund, but a reimbursement of \$12,910 will be sought from the residents. He also noted that the amount of \$14,350.08 will be taken out of the Sewer Fund for storm water manhole adjustments and the replacement of sanitary sewer manhole castings.

Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to award the Lincoln/Flexer Avenue Roadway Resurfacing/Reconstruction Project to Livengood Excavators, Inc. – 4661 Lehigh Drive, Walnutport, PA 18088 – in the amount of \$319,924.31.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

Motion to accept the Fire Truck Proposal.

Mr. Soriano stated that the Township received three (3) proposals for the acquisition of a new Fire Truck for the Eastern Salisbury Fire Department. He noted that the proposals were done under the current COSTARS 13 State contract. Mr. Soriano commented that under COSTARS, the Township can purchase equipment without having to go out to bid since the State has already done so. He commented that the municipalities can piggyback, which cuts down on administrative and advertising costs.

Mr. Soriano stated that the Township utilized a process where three vendors were asked to meet with representatives of ESFD and discuss their needs. As a result of that process, the tabulation of the proposals is as follows:

1. Shellhamer Emergency Equipment - Smeal Fire Apparatus.....\$419,578.00
2. Glick Fire Equipment Co-Pierce - Custom Saber Pumper.....\$424,807.40

3. Campbell Supply Co - Spartan 1500 GPM Pumper\$362,166.00

Mr. Soriano noted that Attorney Ashley has reviewed the contract submitted by the apparent low bidder. He stated that the Board may want to proceed the awarding of the bid contingent upon the Solicitor approving the Contract and other legal requirements.

Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to accept the Proposal pursuant to the COSTARS 13 State contract from Campbell Supply Co. of Penna, LLC - 85 Griffith Rd., Muncy, PA 17756 - in the amount of \$362,166.00 for the furnishing and delivery of one Spartan 2013 Pumper Fire Apparatus for the use by the Eastern Salisbury Township Fire Department and authorizing the Township Manager and Township Solicitor to assist the Fire Department in the execution of any and all documents associated with said purchase. Further, the Township agrees that Fire Apparatus will be owned by the ESFD with the Township listed as a lien holder on said title along with an execution of an Agreement between the Township and ESFD.

Roll Call:

COMMISSIONER ACKERMAN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER MARTUCCI – YES
COMMISSIONER BRINTON – YES
COMMISSIONER BROWN – YES

The Motion passed by 5-0

Mr. Soriano announced that the Lindberg Park Master Site Plan Committee will hold a public meeting on September 17, 2012 at 6:30 p.m. He noted that this is the first public meeting and the Committee will review the two concepts that have been drafted and solicit input from the public and surrounding neighbors.

Mr. Soriano stated that the Gaming Grant was awarded to the Township by Lehigh County in the amount of \$14,988. He noted that the agreement should be executed as soon as possible so the Police Department can move forward with traffic enforcement and the acquisition of two radar speed signs.

Mr. Soriano stated that he and Chief Stiles have discussed the no-parking issues as well as snow emergency parking, and they will submit their findings to the Board for review.

OLD BUSINESS

PRIVILEGE OF THE FLOOR

Commissioner Martucci stated that he received a complaint from a resident concerning the resident's neighbor. Ms. Sopka stated that she will pass the information to Mr. Nicolo, the Township's Code Enforcement Officer, for follow-up.

Chief Stiles announced that the Police Department will be conducting a prescription drug take-back day on September 29, 2012 from 10:00 a.m. through 2:00 p.m.

ADJOURNMENT

Commissioner Brinton made a Motion to adjourn the Meeting. Seconded by Commissioner Ackerman. The time was 8:48 p.m.

Respectfully submitted,

Randy Soriano
Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on September 13, 2012.

Approved and certified on this date:

Randy Soriano

Date

SEAL