

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
OCTOBER 24, 2013
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.

CALL TO ORDER

Commissioner Brown called the meeting to order at 7:00 p.m.

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

ROLL CALL

Board Members Present:

James Brown, President
Robert Martucci, Jr., Vice President-EXCUSED
James Seagreaves, President Pro-Tempore
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
Donald Sabo, Police Sergeant
Cynthia Sopka, Director of Planning & Zoning
John Ashley, Esquire, Township Solicitor
David Tettermer, 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 recorded electronically for the purpose of taking the Minutes. All public comments on agenda items will 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 records are available pursuant to the Right-to-Know Law, if requested.

Mr. Soriano reminded everyone of the three minute rule and asked that anyone who wishes to speak come to the podium, sign in, announce oneself, and speak clearly into the microphone. Mr. Soriano added that the speaker can choose 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 administrative follow-ups on a particular issue.

APPROVAL OF THE FINANCIAL REPORT AND LIST OF BILLS PAYABLE

Motion by Commissioner Ackerman, seconded by Commissioner Brinton, to approve the Financial Report for the period ending September 30, 2013 and the list of Bills Payable for the period of 10/05/2013-10/18/2013, broken down as follows:

\$337,637.42 = GENERAL
\$9,014.86 = FIRE
\$7.48 = LIBRARY
\$185,090.64 = WATER
\$12,011.09 = SEWER
\$1,062.63 = REFUSE & RECYCLING
\$38,900.11 = HIGHWAY AID
\$583,724.26 = GRAND TOTAL ALL FUNDS

Roll Call:

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

The Motion passed by 4-0.

MINUTES

October 10, 2013

Commissioner Brown declared the October 10, 2013 Regular Meeting Minutes of the Board of Commissioners approved as presented.

NEW BUSINESS

Presentation – Edward Black- Vice President, PSATC

Mr. Soriano introduced Mr. Ed Black, Vice President of the Pennsylvania State Association of Township Commissioners and invited the Board to ask him any questions in regards to the Township's membership.

Mr. Black provided the Board with a background on the Association and spoke about its benefits and services. He gave an example of a sharing service with PennDOT that PSATC has developed for Townships, explaining that there is a cooperative streets line-painting program where PennDOT can perform line-painting services for the Township and in return, the Township can do services for them. Mr. Andreas stated that he was aware of the program, but it can become cumbersome to exchange services.

Commissioner Brinton inquired if there are a lot Commissioners who come to the annual meetings. He stated that there are quite a few Commissioners who come to meetings; however, he does not recall anyone from Salisbury Township ever coming to a meeting.

Commissioner Ackerman inquired if there are any online discussions or programs the Commissioners can participate in so they would not have to travel a long distance. Mr. Black He stated that he will find out if such programs are available and he will get back to Mr. Soriano with the information.

The Board thanked Mr. Black for his time and information.

ORDINANCES

Amendment to the Police Pension Ordinance.

Mr. Soriano stated that the amended Ordinance was advertised on October 2nd, 2013 in expectation that the Police Association would send its approval.

Mr. Soriano commented that the Police Association Attorney, Sean Welby, Esq., has reviewed the proposed changes and has suggested several revisions. His request has been forwarded to Attorney Dave Knerr, Esq., Labor Counsel, for his review and comments. Mr. Soriano noted that he does not have a response from Attorney Knerr at this point and is therefore recommending that the Board table the Ordinance.

Motion by Commissioner Ackerman, seconded by Commissioner Brinton, to table Ordinance No. 10-2013-585 amending Chapter 1, Part 6A of the Code of Ordinances relating to the Police Pension Plan by amending Section 602 5B to comply with the minimum service related disability pension requirement under Act 600 of 1995.

Roll Call:

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

COMMISSIONER BROWN - YES

The Motion passed by 4-0.

RESOLUTIONS

Consideration of a Resolution to approve the Preliminary/Final Land Development Plan- Legacy Place- 2051 Bevin Drive.

Mr. Soriano stated that at their last Planning Commission meeting on October 8, 2013, the Planners considered the revised preliminary/final development plan resubmitted by Posh Properties for a development known as Legacy Place, 2051 Bevin Drive, for two commercial Personal Care Home Buildings, one 18,181 sq. ft. and another 9,363 sq. ft. Mr. Soriano noted that the predominant change from the first plan is in the storm water drainage design to control water runoff. The first plan called for injection wells in which the standards are regulated by the EPA. The current proposed storm water drainage design calls for an underground detention basin along with a spray irrigation system to control the increased runoff rates which would result from this project. Mr. Soriano noted that the applicant will need to submit for an NPDES Permit, which requires that the applicant show how it will deal with peak rate, water quality and volume requirements established by Act 167.

Mr. Jeffery Ott from Ott Consulting briefly reviewed the proposed use and in particular focused on the storm water runoff of the proposed development.

Commissioner Ackerman stated that her only concern is water. Mr. Dave Tettermer, P. E. commented that the applicant has submitted the appropriate storm drainage plan required by the NPDES permit and Township Storm water Ordinance and all of the requirements have been met. Mr. Tettermer also added that the developer is asking for waivers and deferral to our SALDO, as follows:

- SALDO 3.2.A.3- requirement that a separate Preliminary and Final Plan be submitted. PC recommended granting a Waiver to this section.
- SALDO- 10.4.K.3.d. - requirement that earth excavation or fill be done to the maximum extent at a slope of 4:1. PC recommended granting a Waiver to this section.
- SALDO 10.10.B.2.h- requirement that the minimum basin bottom slope shall be 2%. PC recommended granting a Waiver to this section.
- SALDO 10.12- requirement to install sidewalks. PC recommended granting a Deferral to this section.
- SALDO 10.16 C- requirements that street trees be planted in accordance with Township standards- PC recommended a partial deferral in case the Township

determines that the proposed street trees partially meet the requirements a partial deferral was recommended.

Motion by Commissioner Brinton, seconded by Commissioner Ackerman, to approve the Preliminary/Final Development Plan for Posh Properties, 2051 Bevin Drive contingent on meeting the recommendation of the Township Engineer in a letter dated October 2, 2013, recommendation of the Township Director of Planning and Zoning in a letter date October 4, 2013 and contingent on following all local, state and federal laws governing this development, and waivers and deferrals approved by the Board. Further, the applicant is granted the waiver and deferrals as requested in writing and the Final Plan will be revised to incorporate the waivers and deferrals.

Roll Call:

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

The Motion passed by 4-0.

MOTIONS

Consideration of a Motion to Set Special Meeting Dates for November and December 2013.

Mr. Soriano stated that he has forged ahead and advertised the November dates to accomplish what was discussed at the last Workshop. The December date will be advertised in November.

- Oct 24th at 7:00 p.m. (budget workshop from 6-7)
- Nov 7th & 21st at 7:00 p.m. (budget workshop from 6-7) and
- Dec 19th at 7:00 p.m.

Motion by Commissioner Seagreaves, seconded by Commissioner Ackerman, to approve the Budget work session Special Meetings as noted.

Roll Call:

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

The Motion passed by 4-0.

Consideration of a Motion to authorize Payment No. 1 of \$168,940.57 to Asphalt Paving System Inc., Hammonton NJ for Double Bituminous Seal Coat to Various Township Streets.

Mr. Soriano reminded the Board that on July 1st, 2013, the Township opened sealed bids for the application of a double bituminous slurry seal coat on approximately 27,700 linear feet of Township Roads. In addition, the work also included 220 tons of scratch/leveling and replacement of the existing pavement marking. He noted that the Bids received were from three companies; however, the first Low Bidder was disqualified. The Board awarded the contract to Asphalt Paving Systems, Inc. in the amount of \$189,810.

Mr. Soriano noted that the affected roads were primarily mountain roads: Black River Road, Sour Apple Lane, East Rock Road, Mountain Top Lane, Werleys Lane, West Rock Road, Ironwood Ln, Douglas Rd, Chestnut Hill Rd, Stoneridge Rd, and Gulley Rd. Mr. Soriano commented that East Rock Road and Black River Road received the scratch/leveling course application.

Mr. Tettemer explained the difficulty in placing this sealant since the State has made it more eco-friendly with less oil content and is susceptible to wash out. Mr. Tettemer commented that everything came under budget and the work was found acceptable.

Mr. Tettemer stated that this application will release \$168,940.57 of the contract amount. The work has been completed, but 10% has been retained.

Motion by Commissioner Seagreaves, seconded by Commissioner Ackerman, to authorize Payment No. 1 to of \$168,940.57 to Asphalt Paving System Inc., Hammonton NJ for Double Bituminous Seal Coat to Various Township Streets

Roll Call:

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

The Motion passed by 4-0.

Consideration of a Motion to approve Payment No. 2-Final- to Livengood Excavators, Inc. in the amount of \$26,660.06 for the Lincoln/Flexer Avenue Roadway Project.

Mr. Soriano reported that with this payment and release of the outstanding retainage of \$26,660.06, the Township closes out this project that was paid by a combination of Liquid Fuels and General Fund money. Mr. Soriano noted that the Township had some issues with a sinkhole developing after the project was completed that was rectified by the Contractor. In addition, the residents were billed for the curbing work performed by the Township on their behalf, which has

been billed for and received from some of the property owners that chose to pay in full. For others, the Township has payment plans in place to pay over a period of time secured by a lien. Mr. Soriano added that this payment will also allow the Township to meet with PennDOT to close out this project. He commented that a Change Order has been prepared to extend the time period originally called by the Contract, from 60 days to 367 days.

Motion by Commissioner Ackerman, seconded by Commissioner Brinton, to approve Payment No. 2-Final- to Livengood Excavators, Inc. in the amount of \$26,660.06 for the Lincoln/Flexer Avenue Roadway Project.

Roll Call:

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

The Motion passed by 4-0.

ANNOUNCEMENTS

Mr. Soriano announced that PPL will undertake some work in the Township to rehabilitate their transmission lines. Mr. Soriano read an email from Melinda Stumpf, PPL Regional Affairs Director.

Good Afternoon,

I am writing to let you know that PPL Electric Utilities will be rebuilding the aging power line that runs on PPL right of way in your township. This project is part of our efforts to make electric service more reliable throughout the region.

In the coming weeks and months, you may notice small crews along the PPL Electric Utilities right of way conducting preliminary studies, such as surveying, wetland identification and other work.

We call this line the Hosensack-Seidersville transmission line. It runs through Lower Saucon, Salisbury, Upper Saucon and Lower Milford townships in Lehigh and Northampton counties

I will write to you again the future to give you more details about the construction schedule for this project.

Thank you in advance for your patience while we work to keep your electric service safe and reliable. If you have any concerns or questions, please feel free to contact Scott Hippen at 973-294-8466 or swhippen@pplweb.com.

Melinda Stumpf
Regional Affairs Director
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Allentown, PA 18101
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Follow my website at www.melindastumpf.com

Mr. Soriano also commented that PPL will deal with property owners on a one-on-one basis to address any conflicts they may have with regards to their easements and vegetation work they have done.

PRIVILEGE OF THE FLOOR

A resident asked about the responsibility the Township has with regards to compel PPL to stop their activities.

Attorney Ashley opined that since these are private easements between PPL and the property owners, the Township would not have any jurisdiction to enforce what is in the easement. Attorney Ashley noted that property owners should consult with their Attorney to make sure that their rights are protected. In essence, PPL is a public utility regulated by the State PUC and they are often exempt from local zoning.

Commissioner Brinton asked the Public Works Director to explain the paving work done on Lehigh Avenue and she commented that the crew did a very nice job.

Chief Stiles commented that he attended the 120th annual International Association of Chiefs of Police Conference, October 19th through October 23rd in Philadelphia.

Chief Stiles stated that the Police Department will be holding a Prescription Drug Take-Back Day at the South Mall on Saturday, October 26th, 2013.

Boy Scouts Troup 2439 from St. Thomas More was acknowledged. The Scouts were in attendance in order to meet requirements for the Boy Scouts' Citizenship in the Community merit badge.

Mr. Andreas announced that the Public Works Department will start collecting leaves on October 28th, 2103 and provided the Board with the locations of each crew. He commented that the information will also be available on the Township's website.

Commissioner Brown announced that an Executive Session regarding a personnel matter will be held after the Workshop.

ADJOURNMENT

Commissioner Brinton made a Motion to adjourn the Meeting, seconded by Commissioner Ackerman. The time was 8:30 p.m.

Respectfully submitted,

Randy Soriano
Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on October 24, 2013.

Approved and certified on this date:

Randy Soriano

Date

SEAL