

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
April 11, 2019  
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 Martucci asked everyone to rise and recite the Pledge of Allegiance.

**CALL TO ORDER**

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

Commissioner Martucci announced that an Executive Session regarding an agency matter for fact-finding will be held after the Workshop.

Commissioner Martucci turned the proceedings over to Mrs. Cathy Bonaskiewich, Township Manager.

**ROLL CALL**

**Board Members Present:**

Robert Martucci, Jr., President  
Debra Brinton, Vice-President  
James Seagreaves, President Pro-Tempore  
Joanne Ackerman  
Rodney Conn

**Staff Present:**

Cathy Bonaskiewich, Township Manager  
Sandy Nicolo, Assistant Township Manager/Code Enforcement Director, MS4 Coordinator  
Paul Ziegenfus, Finance Director  
John Andreas, Director of Public Works  
Allen Stiles, Chief of Police – EXCUSED  
Don Sabo, Police Sergeant  
Cynthia Sopka, Director of Planning & Zoning  
John Ashley, Esquire, rep of Davison & McCarthy, Township Solicitor  
David Tettermer, rep of Keystone Consulting Engineers, Township Engineer

**NOTIFICATION**

Mrs. Bonaskiewich 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 commented related to non-agenda items will be taken after the agenda has been satisfied.

Mrs. Bonaskiewich reminded everyone of the three-minute rule and asked that anyone who wishes to speak, come to the podium, announce oneself, and sign-in with name and address so as to assist Township administration with follow-ups.

**APPROVAL OF THE LIST OF BILLS PAYABLE**

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve the list of Bills Payable for the period 3/23/2019-4/5/2019, broken down as follows:**

\$68,959.64 = GENERAL  
\$6,209.08 = FIRE  
\$0 = LIBRARY  
\$3,341.34 = WATER  
\$4,260.67 = SEWER  
\$94,348.60 = REFUSE & RECYCLING  
\$425.36 = HIGHWAY AID  
\$0 = SUBDIVISION & ESCROW  
**\$177,544.69 = GRAND TOTAL ALL FUNDS**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER BRINTON – YES  
COMMISSIONER CONN – YES  
COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**MINUTES**

**March 28, 2019**

Commissioner Martucci declared the Minutes of March 28, 2019 accepted as presented.

**NEW BUSINESS**

**ORDINANCES**

**None.**

**RESOLUTIONS**

**Resolution to Mrs. Kathryn J. Martucci in recognition of years of service.**

Ms. Bonaskiewich noted that Ms. Martucci was the Planning and Zoning Administrative Assistant for 19 years and her official retirement date is May 6, 2019. The staff and the Board thanked Mrs. Martucci for her years of service to the Township.

**Motion by Commissioner Conn, seconded by Commissioner Brinton, to adopt Resolution No. 04-2019-1637, recognizing the years of service of Mrs. Kathryn J. Martucci.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER BRINTON – YES  
COMMISSIONER CONN – YES  
COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**Resolution to approve the Retirement Benefits of Mrs. Kathryn J. Martucci.**

**Motion by Commissioner Conn, seconded by Commissioner Brinton, to adopt Resolution No. 04-2019-1636, approving the Retirement Benefits of Mrs. Kathryn J. Martucci.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER BRINTON – YES  
COMMISSIONER CONN – YES  
COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**Recognition of Volunteers.**

Ms. Bonaskiewich stated that the Resolutions recognize the following volunteers who will be honored a ceremony and dinner reception on April 16, 2019:

- Robert Agonis
- Kirk & Kristine Alder
- James Brown
- Keith Carson
- Ian Dodson
- Dennis Grejda
- Rosalie Maehrer
- James Marsh, Jr.

- William Remo, Jr.
- Darrell Singles
- David Tomcics

**Motion by Commissioner Seagreaves, seconded by Commissioner Brinton, to adopt Resolution Numbers 04-2019-1624 through 04-2014-1635, recognizing the list of volunteers as read.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
 COMMISSIONER SEAGREAVES – YES  
 COMMISSIONER BRINTON – YES  
 COMMISSIONER CONN – YES  
 COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**Resolution to authorize a CDBG Grant Application Submission.**

Ms. Bonaskiewich explained the grant request is for continuing sanitary sewer rehab work for 2019. The Resolution is to be submitted with the application as part of the requirement from the County.

Mr. Tettermer noted the County has been granting around \$100,000 for the projects, and the Resolution is needed because the Township is required to match 10% of whatever funds will be given.

A resident inquired how much the Township is requesting. Commissioner Brinton stated that the Township is requesting \$261,815, which makes the Township responsible for \$26,185.

**Motion by Commissioner Conn, seconded by Commissioner Brinton, to adopt Resolution No. 04-2019-1638, authorizing a CDBG Grant Application Submission.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
 COMMISSIONER SEAGREAVES – YES  
 COMMISSIONER BRINTON – YES  
 COMMISSIONER CONN – YES  
 COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**MOTIONS**

**Motion to approve Payment #8 to Kobalt Construction for Lindberg Park Phase 3 Contracted Work in the amount of \$18,000.**

**Motion by Commissioner Ackerman, seconded by Commissioner Conn, to approve Payment #8 to Kobalt Construction for Lindberg Park Phase 3 Contracted Work in the amount of \$18,000.**

**Roll Call:**

COMMISSIONER ACKERMAN – YES  
COMMISSIONER SEAGREAVES – YES  
COMMISSIONER BRINTON – YES  
COMMISSIONER CONN – YES  
COMMISSIONER MARTUCCI – YES

**The Motion passed by 5-0.**

**PRIVILEGE OF THE FLOOR**

Mr. Scott Horvath of 3118 Capital Street expressed concerns about a permit that was issued for a veterinary clinic at 3115 West Emmaus Avenue. He commented that there is a private alley which runs behind the homes, maintained by the homeowners, and is for residents' use only. He questioned why the employees and clients of the veterinary clinic are allowed to use the alley and why they are permitted to install three to five parking spaces. Mr. Horvath referenced a meeting in March of 2009 where Attorney Ashley noted that "there are private issues with respect to rights to access of this alley and would not fall within the Township realm of policing or maintaining." He commented that the alley has been open for 62 years and, as he understood it, belongs to the residents. He questioned who issued the permit to allow the vet clinic to install a parking lot.

Ms. Janet Borrelli of 3120 Capital Street gave a history of the section of land. She commented that her property experiences flooding from the neighboring properties and is fearful that the paving of the parking lot will make the water issue worse.

Mr. Horvath stated that since each abutting property owner has a conditional title to the center line of the alley (which he noted as a 20-foot road, so each property owner owns 10 feet), he believes the vet clinic would need to get permission from the property owners to have employees or customers cross the property lines.

Mr. Nicolo stated that the permit first came to him and he felt that it should be denied. He commented that his interpretation of the Zoning Ordinance lead him to believe the lot was not big enough to allow the conversion from residential to commercial, and the Zoning Ordinance does not specifically approve a mobile vet clinic. Mr. Nicolo stated that he passed the zoning permit to Ms. Sopka, and when the building permits were submitted showing offices, a reception area and exam rooms, he again questioned if it should be approved.

Commissioner Martucci commented that there are two issues with this property: one is zoning, one is water.

Mr. Tettemer stated that the Township looked into both of those matters when reviewing the permit applications. He commented that the Township held up on issuing any kind of construction permits on the site until the owners of the vet clinic proved, legally, that they had access to the site. The

information was then reviewed by the Township Solicitor. Mr. Tettermer stated that the Township did not give the vet clinic authority to build the parking spaces because the Township does not own the alley. It is a private issue. He noted that if the vet clinic constructs the parking lots and there is a problem, it would be a private matter because the Township did not give them access.

Mr. Tettermer commented that the Township deals with what happens on the site as far as stormwater runoff. The vet clinic originally submitted six parking spaces on the land, but because they cannot increase the amount of stormwater runoff, they are down to three to five spaces. Mr. Tettermer noted that the vet clinic will be piping all the drains out to the front of the property on West Emmaus Avenue, so he believes the impervious surface coverage will break even at the back alley.

Commissioner Brinton commented that her understanding was private alleys were only to be used by homeowners, not businesses. She stated that she believes the travelling vet clinic has now morphed into something else and was inadvertently allowed. Commissioner Brinton noted that according to PennDOT, the vet clinic cannot have access to property off of West Emmaus Avenue and they also do not have the right to use the back alley.

Commissioner Martucci asked Ms. Sopka what the Township can do to help the residents regarding zoning, and asked Mr. Andreas what the Township can do about the water issue. Mr. Andreas stated that he believes it to be a private matter and gave an explanation of the resurfacing work done and piping in the area.

Mr. Horvath questioned if it is necessary to retain an attorney if the Township believes it to be a private matter and nothing is resolved. Attorney Ashley commented that Mr. Horvath should have an attorney contact the property owner. Attorney Ashley stated that he believes the vet clinic has the right to use the alley to some extent.

Commissioner Seagreaves inquired if there is any way the Township could prevent further work from being done until the matter is resolved. Attorney Ashley stated that it is a private matter and the Township has already issued permits for the work to be done. Commissioner Brinton inquired as to who issued the permit for the three-to-five parking spaces behind the building. Mr. Tettermer stated that he reviewed the grading permit for it and looked at the storm drainage which met the SALDO requirements.

Commissioner Brinton noted that she believes the mistake that was made was approving the location as a veterinarian's office. She stated that it is a hardship for the residents who now have to hire an attorney to resolve an issue that never should have occurred. Commissioner Martucci agreed and stated that he believes the Township should help the residents.

Commissioner Seagreaves inquired as to why the veterinarian did not have to seek re-approval to become an office. Mr. Nicolo replied that the plan was submitted in the beginning and showed the exam rooms, reception area, and offices. He alleged that he told Ms. Sopka that it is not a mobile veterinary clinic based on the plans.

The Board stated they would look into the matter.

Mr. Phil Armstrong, County Executor, announced that the County is initiating a new program with the Census Borough, entitled, "We're Counting on you, Lehigh County". He stated that the County lost 30% of its population by not being counted in 2010, which equates to lost revenue in the amount of roughly over \$2,000 per person in a ten-year period.

**ADJOURNMENT**

Commissioner Brinton made a motion to adjourn the meeting. Seconded by Commissioner Conn. The time was 7:59 p.m.

Respectfully submitted,

Cathy Bonaskiewich  
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on April 11, 2019.

Approved and certified on this date:

\_\_\_\_\_  
Cathy Bonaskiewich

Date: \_\_\_\_\_

SEAL