

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
January 14, 2021
REGULAR MEETING – 7:00 PM**

**SPECIAL NOTIFICATION - This public meeting of the Salisbury Township Board of Commissioners was held in a hybrid setting using the Zoom virtual meeting platform due to the COVID-19 pandemic and social distancing guidelines.*

PLEDGE OF ALLEGIANCE

CALL TO ORDER

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

Commissioner Brinton turned the proceedings over to Ms. Cathy Bonaskiewich, Township Manager.

ROLL CALL

Board Members Present:

Debra Brinton, President
Rodney Conn, Vice-President
James Seagreaves, President Pro-Tempore
Heather Lipkin
Alok Patnaik

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
Kevin Soberick, Chief of Police
Dustin Grow, Fire Services Director
Kerry Rabold, Planning and Zoning Officer
Genny Baillie, Recreation Director
John Ashley, Esquire, representative of Davison & McCarthy, Township Solicitor
David Tettermer, representative of Keystone Consulting Engineers, Township Engineer

NOTIFICATION

Ms. Bonaskiewich welcomed the attendees to the regular meeting of the Board of Commissioners for January 14, 2021. She noted that the meeting is being held in a hybrid setting using the Zoom virtual meeting platform due to the current COVID-19 conditions and with respect to social distancing and public gathering guidelines. Ms. Bonaskiewich commented that the meeting is being recorded electronically for the purpose of taking the Minutes and asked that attendees keep themselves muted to keep background noise to a minimum. She stated that if anyone would like to comment on a particular agenda item or during courtesy of the floor, he/she should unmute his/herself and use the hand raise button. All public comments on agenda items will be taken prior to the vote and all public comments related to non-agenda items will be taken after the agenda has

been satisfied. Ms. Bonaskiewich requested speakers to please announce his/her name and address for the purpose of taking down the Minutes.

APPROVAL OF THE LIST OF BILLS PAYABLE

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to approve the list of Bills Payable for the period 12/19/20-1/8/21, broken down as follows:

\$366,312.72 = GENERAL
\$53,790.90 = FIRE
\$0 = LIBRARY
\$99,251.94 = WATER
\$29,628.91 = SEWER
\$114,425.30 = REFUSE & RECYCLING
\$10,165.30 = HIGHWAY AID
\$1,500.00 = CAPITAL GENERAL
\$44,890.48 = CAPITAL FIRE FUND
\$8,207.40 = CAPITAL SEWER FUND
\$728,172.95 = GRAND TOTAL ALL FUNDS

Roll Call:

COMMISSIONER PATNAIK – YES
COMMISSIONER LIPKIN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER CONN – YES
COMMISSIONER BRINTON – YES

The Motion passed by 5-0.

MINUTES

December 22, 2020

Commissioner Brinton declared the Minutes from December 22, 2020 accepted as presented.

NEW BUSINESS

Public Hearing to Approve Vacation of a portion of Eisenhower Avenue.

Ms. Bonaskiewich turned the proceedings over to Attorney Ashley. Attorney Ashley noted that the vacation request comes from Ralph and Kristen Slider who are represented by Attorney David Backenstoe. He stated that this portion of Eisenhower Avenue does not appear on any Township records to ever have been accepted as a public street by the Township or opened as a public street. It is, however, still show on the subdivision map, which is recorded.

Attorney Ashley commented that by the Township vacating this area of Eisenhower Avenue, it is simply confirming that no public rights exist in this area of Eisenhower and the Township is not asserting any such rights. He stated that the vacation by the Township also will not impact any private rights to the roadway.

Attorney Ashley noted that the Board will have to make determination from the evidence if there is no public interest to be served by not vacating the road or, in the alternative, that its vacation will be beneficial to the public interest; and has the evidence established the public nature of this street as opposed to a mere paver street. He stated the evidence the Board will have to consider is the use, if any, by the public, how frequently the street was maintained by the municipality and what the use is, if any, of the street today.

Attorney Ashley turned the proceedings over to Attorney Backenstoe to present any evidence.

Attorney Backenstoe stated that the Sliders are asking the Board to vacate a 6,800 sq. ft. dead-end portion of Eisenhower Avenue. He noted that it has never been ordained, never been opened, never been maintained, never been plowed and does not look anything like a street as it is grass and woods. Attorney Backenstoe also commented that this portion has never been used by the public.

The witnesses were sworn in by the court reporter.

Mr. Ralph Slider of 3240 Eisenhower Avenue testified as to the portion of the road they are requesting to vacate. He stated that the Township has never maintained it any fashion since he took ownership of the property in 2003. Mr. Slider also noted that no one has ever used the area as a thru-way street; vehicles only come down there to turn around if they have gone too far.

Attorney Zachary Cohen, counsel for Dr. Yasin Khan, a neighboring property owner, inquired if the public uses the area to turn around if they have gone too far. Mr. Slider replied that they do. Attorney Cohen inquired as to what Mr. Slider intends to do with the area if the Board votes to vacate the area. Mr. Slider responded that their intention is to just keep people from driving back to his property for safety reasons.

**The following text is verbatim:*

Attorney Cohen: How do you intend to stop people from going back there.

Mr. Slider: Our intention is to just put a private drive there.

Attorney Cohen: Is there anything else.

Mr. Slider: Well yes, I'm going to put my driveway where it should be and that way I wouldn't have to move my mailbox.

Attorney Cohen: Your driveway isn't even on your property right now, is that correct?

Mr. Slider: Correct.

Attorney Cohen: And the area you're proposing to put it as shown on the drawings submitted, the shaded area, part of that will become Dr. Khan's property, correct?

Mr. Slider: I don't know.

Attorney Cohen: Did you have it surveyed to see who gets what?

Mr. Slider: I would imagine. I haven't gotten that far yet. This has been going on for over a year and half now so I'm not even sure what's going on.

Attorney Cohen: Do you know what the use was prior to 2003?

Mr. Slider: No.

Mr. Mark Bradbury testified that he was secured by the Sliders to survey the property and prepare a plan for the petition to vacate. He provided the Board with an explanation of the drawings. Attorney Cohen inquired if Mr. Bradbury was a certified surveyor in the state of PA to which Mr. Bradbury stated that he was not, but the survey was performed by a separate licensed surveyor.

Attorney Ashley asked if there were any objection to the exhibits. Attorney Cohen noted his objection to the two prepared drawings because he did not believe Mr. Bradbury to be a qualified expert. Attorney Ashley stated that the exhibits will be entered into the record.

Attorney Cohen called Dr. Yasin Khan as a witness and he was sworn-in as such. Dr. Khan stated that he owns the company which owns the property at 1148-1146 S. Cedar Crest Boulevard and those properties about the dead-end of Eisenhower Avenue. Attorney Cohen inquired what Dr. Khan would like to eventually do with the property. Dr. Khan responded that he would like people to be able to use the Eisenhower side as a possible entry/exit to his property.

Attorney Cohen inquired if Dr. Khan has ever accessed the area they are requesting to be vacated with his vehicle. Dr. Khan responded no. Attorney Cohn clarified that there is currently no access to Dr. Khan's property from that location, but he does have direct access from Lincoln Avenue and S. Cedar Crest Boulevard.

Attorney Ashley closed the testimony portion of the hearing.

In closing, Attorney Cohen commented that there is no evidence that shows what happened in this area prior to 2003, and the state requires a 20-year review of the property. He noted that he believes the drawings are deficient and do not show what happens to his client's property if vacated, and the drawings were not testified to by a licensed surveyor. Attorney Cohen stated that Dr. Khan's testimony shows it is his desire to open this area to have access to his facilities and property and by vacating the area, it would be an unfair taking from him as he anticipated being able to develop the area.

Attorney Ashley inquired as to how it is unfair as the Township never accepted or opened the street since it has not been municipal property. He commented that this vacation has no impact on Dr. Khan's private rights in the area. Attorney Ashley inquired how the area, which is private, suddenly becomes public because people accidently drive into it and turn around. Attorney Cohen responded that there is no evidence as to what happened on the property prior to 2003.

In closing, Attorney Backenstoe stated that the Township never ordained, opened or maintained the area. It has never been used by the public as thru-way. He noted his belief is that it is in the Township's best interest to vacate because as of now, it is shown as a road depicted on the street plan; therefore, there could be a liability issue to the Township if someone was hurt on the property.

Attorney Backenstoe also commented that the First-Class Township Code states that if the Township does not open a road after five years from when it was laid out on a plan, the Township's ability to do so is void and vacated. He stated that if the Township ever wanted to open a road here, it would have to do so by eminent domain and compensate the adjoining property owners.

Commissioner Brinton inquired about Exhibit S-8 because it was not explained in the hearing. She questioned if Eisenhower Avenue would run into Dr. Khan's property if it kept going. Commissioner Brinton inquired how long Dr. Khan owned the property and Attorney Cohen responded that he has owned it since 2018.

Mr. Tetterer was sworn in as a witness and explained that there was action taken in the mid-80's for a circle to be installed where Eisenhower Avenue currently stops. He stated that it would have gone all the way across S. Cedar Crest Boulevard on the other side of the road and it was like a very large roundabout. Mr. Tetterer commented that it was eventually determined most people would not want to see that there, so the idea was abandoned. He noted that part of the right-of-way of that circle became Dr. Khan's property and that is why Eisenhower turns because it would be perpendicular to the circle.

Commissioner Brinton inquired about the age of Dr. Khan's building. Mr. Tette mer responded that it would have to have been built after the vacation of the circle.

Commissioner Brinton questioned exactly on what items the Board will act. Mr. Tette mer stated that the Board is just acting on the public rights to the area; not determining who owns anything.

Attorney Ashley commented that the Board is removing any possibility that the Township could ever go in there and open the road. He noted that the Township lost its rights anyway because the time period has past, but because it still shows as a road on the map, this is a way of "clearing titles". Attorney Ashley stated that the Township is not doing anything with the private rights of the property owners; the Township is saying that it has no rights to it and we are not going to observe any rights on it.

Attorney Ashley closed the hearing. He noted that the Ordinance will be before the Board for their consideration at the meeting on January 28th.

RESOLUTIONS

Resolution to Grant Conditional Preliminary/Final Approval of the 2460 Parkwood Drive Preliminary/Final Land Development Plan.

Mr. Tette mer stated that the resolution would approve the construction of a one-story, 16,000 sq. ft. office building on a property located on Parkwood Drive. He noted that there is an abandoned building that will be demolished and a new building will be constructed, along with additional parking.

Mr. Tette mer commented that the Plan has been reviewed by the Planning Commission and recommended for approval. He noted that if the Board were to approve the Resolution, they would also be approving nine conditions and Mr. Tette mer read them into the record.

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to adopt Resolution No. 01- 2021-1696, granting conditional Preliminary/Final approval of the 2460 Parkwood Drive Preliminary/Final Land Development Plan.

Roll Call:

COMMISSIONER PATNAIK – YES
COMMISSIONER LIPKIN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER CONN – YES
COMMISSIONER BRINTON – YES

The Motion passed by 5-0.

Resolution to appoint Ms. Tamara Kulik Smarch as Township Treasurer.

Ms. Bonaskiewich reminded the Board that they appointed Ms. Kulik Smarch as Tax Collector to fill Linda Minger's unexpired term, and as such, the Board should appoint her the Township Treasurer for 2021 as well. She noted that as the Treasurer, Ms. Kulik Smarch would act as the main signatory on all Township accounts and sign all checks.

Motion by Commissioner Seagreaves, seconded by Commissioner Lipkin, to adopt Resolution No. 01-2021-1695, appointing Ms. Tamara Kulik Smarch as Township Treasurer for the year 2021.

Roll Call:

COMMISSIONER PATNAIK – YES
COMMISSIONER LIPKIN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER CONN – YES
COMMISSIONER BRINTON – YES

The Motion passed by 5-0.

MOTIONS

Motion to Ratify the Non-Uniformed Defined Contribution Pension Plan Funding Amount for Year-End 2020.

Ms. Bonaskiewich explained that the Board approved the funding late last year, but the actual amount was unknown until payroll was closed out for the year. She stated that the calculated amount was \$18,189.39 and it was deposited by December 31, as required. Ms. Bonaskiewich noted that the Board is ratifying the actual amount deposited into the plan.

Motion by Commissioner Conn, seconded by Commissioner Patnaik, to ratify the Non-Uniformed Defined Contribution Pension Plan Funding Amount for Year-End 2020, in the amount of \$18,189.39.

Roll Call:

COMMISSIONER PATNAIK – YES
COMMISSIONER LIPKIN – YES
COMMISSIONER SEAGREAVES – YES
COMMISSIONER CONN – YES
COMMISSIONER BRINTON – YES

The Motion passed by 5-0.

Motion – Appointments to various Boards and Commissions.

APPOINTMENTS – BY MOTION

1. Planning Commission (4-year term)

a. Fourth Ward

Commissioner Conn nominated Mr. Richard Shreiter. On a motion by Commissioner Lipkin, seconded by Commissioner Brinton, a roll-call vote was taken:

Commissioner Lipkin – YES
Commissioner Conn – YES
Commissioner Patnaik – YES

Commissioner Seagreaves – YES

Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Richard Shreiter to the Planning Commission for a term of four years.

2. Zoning Hearing Board (5-year term)

a. First Ward

Commissioner Lipkin nominated Mr. Ronald Evans. On a motion by Commissioner Seagreaves, seconded by Commissioner Conn, a roll-call vote was taken:

Commissioner Lipkin – YES

Commissioner Conn – YES

Commissioner Patnaik – YES

Commissioner Seagreaves – YES

Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Mr. Ronald Evans to the Zoning Hearing Board for a term of five years.

3. Recreation Advisory Committee (5-year term)

a. Second Ward

Commissioner Seagreaves nominated Ms. Tricia Dickert. On a motion by Commissioner Conn, seconded by Commissioner Lipkin, a roll-call vote was taken:

Commissioner Lipkin – YES

Commissioner Conn – YES

Commissioner Patnaik – YES

Commissioner Seagreaves – YES

Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Ms. Tricia Dickert to the Recreation Advisory Committee for a term of five years.

b. Fourth Ward

Commissioner Conn nominated Mr. Mark Wilson. On a motion by Commissioner Patnaik, seconded by Commissioner Brinton, a roll-call vote was taken:

Commissioner Lipkin – YES

Commissioner Conn – YES

Commissioner Patnaik – YES

Commissioner Seagreaves – YES

Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Mr. Mark Wilson to the Recreation Advisory Committee for a term of five years.

4. Vacancy Board (1-year term)

a. One member

Commissioner Brinton nominated Mr. Dan Moyer (4th Ward). On a motion by Commissioner Patnaik, seconded by Commissioner Seagreaves, a roll-call vote was taken:

Commissioner Lipkin – YES
Commissioner Conn – YES
Commissioner Patnaik – YES
Commissioner Seagreaves – YES
Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Mr. Dan Moyer to the Vacancy Board for a term of one year.

5. Environmental Advisory Council

a. Fourth Ward

This motion was tabled for a future meeting.

b. Fifth Ward

This motion was tabled for a future meeting.

6. Building Code Board of Appeals (5-year term)

a. Fifth Ward

Commissioner Lipkin nominated Mr. John Hoffman. On a motion by Commissioner Conn, seconded by Commissioner Brinton, a roll-call vote was taken:

Commissioner Lipkin – YES
Commissioner Conn – YES
Commissioner Patnaik – YES
Commissioner Seagreaves – YES
Commissioner Brinton – YES

The Board voted 5-0 to approve the appointment of Mr. John Hoffman to the Building Code Board of Appeals for a term of five years.

Presentation of 2019 Audit by Kirk, Summa & Co., LLC.

Mr. Rogen Resides was in attendance to present and review the Township 2019 Audit. He explained that the founding partner, Mr. Dale Kirk, passed away in August, and even though Mr. Resides no longer works for the firm, he is here on their behalf.

Mr. Resides provided a brief overview of the audit report and noted that the Township received a clean opinion from the auditor.

PRIVILEGE OF THE FLOOR

Commissioner Seagreaves announced that he will not be seeking re-election for his second-ward seat after his term ends on 12/31/21. He thanked the residents who have voted, the Township managers, personnel, and fellow Commissioners.

Mr. Ziegenfus commented that he has received four RFP's from various audit firms and he will bring forth an appointment recommendation at the next meeting.

Mr. Nicolo stated that the Environmental Advisory Council is sponsoring a recycling workshop on Wednesday, January 20th and a representative from Republic Services will be present to speak about recyclables as well as the new electronic recycling and household hazardous waste disposal.

Ms. Bonaskiewich announced that the service date change for residents on the Wednesday-Saturday trash and recycling route will go into effect on February 1st, and the front-door electronic waste and household hazardous waste program will go into effect starting March 1st. She commented that the reason for the delay is the need for appropriate time to notify residents. Ms. Bonaskiewich stated that Republic Services is developing a mailer for all residents, stressing the recycling parameters, and information on the E-waste and HHW.

ADJOURNMENT

Commissioner Conn made a motion to adjourn the meeting. Seconded by Commissioner Lipkin. The time was 8:57 p.m.

Respectfully submitted,

Cathy Bonaskiewich
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on January 14, 2021.

Approved and certified on this date:

Cathy Bonaskiewich

Date: _____
SEAL