

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
MINUTES FROM THE BOARD OF COMMISSIONERS
June 24, 2021
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 Brinton asked everyone to rise and recite the 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
James Levernier, Director of Public Works
Kevin Soberick, Chief of Police
Kerry Rabold, Planning & Zoning Officer
Genny Baillie, Recreation Director
John Ashley, Esquire, representative of Davison & McCarthy, Township Solicitor
David Tetterer, representative of Keystone Consulting Engineers, Township Engineer

NOTIFICATION

Ms. 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. Ms. 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 FINANCIAL REPORT AND LIST OF BILLS PAYABLE

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to approve the unaudited Financial Report for the period ending May 31, 2021, and the list of Bills Payable for the period 6/5/21-6/18/21, broken down as follows:

\$176,395.06 = GENERAL
\$711.80 = FIRE
\$0 = LIBRARY
\$9,379.25 = WATER
\$10,143.95 = SEWER
\$1,532.23 = REFUSE & RECYCLING
\$11,300.19 = HIGHWAY AID FUND
\$19,918.85 = CAPITAL GENERAL FUND
\$200.00 = CASH ALLOCATIONS
\$229,581.43= 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

June 10, 2021

Commissioner Brinton noted a typographical error on Page 5. Commissioner Brinton declared the Minutes from June 10, 2021 accepted with the correction.

NEW BUSINESS

ORDINANCES

Public Hearing Regarding Proposed Ordinance Amendments.

Ms. Bonaskiewich turned the proceedings over to Attorney Ashley. Attorney Ashley noted that each Ordinance amendment will be discussed individually.

- **Amend Chapter 27, Part 2 (Definitions) of the Zoning Ordinance.**

Ms. Rabold noted that the item was part of a Workshop discussion on May 27, 2021. She noted that the only significant change was related to the Tree Ordinance because of having to update the Tree Harvesting section of the Tree Ordinance as directed by the Attorney General's office. Ms. Rabold also stated that the definition of Land Development now exempts site improvements that are part of an approved tree harvesting operation when the value of a tree is logged or timber products removed exceeds \$2,000 per calendar year. Ms. Rabold added that in regards to the definition of Tree Harvesting, it excludes the trees to be removed as part of an approved Christmas tree farm or crop farming operation.

Ms. Janet Keim of 11 E Pine Street noted her objection to the Ordinance if it allows for more trees to be taken down. Ms. Rabold noted that those comments do not pertain to Part 2 (Definitions).

Attorney Ashley closed the Public Hearing after no more comments.

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to adopt Ordinance No. 06-2021-639, amending Chapter 27, Part 2 (Definitions) of the Zoning Ordinance.

Roll Call:

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

The Motion passed by 5-0.

- **Amend Chapter 27, Part 5 (Environmental Protection) of the Zoning Ordinance.**

Ms. Rabold stated that the amendment is exactly what the Board saw and discussed at the Workshop on May 27.

Attorney Ashley closed the Public Hearing after hearing no comments.

Motion by Commissioner Patnaik, seconded by Commissioner Conn, to adopt Ordinance No. 06-2021-638, amending Chapter 27, Part 5 (Environmental Protection) of the Zoning Ordinance.

Roll Call:

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

The Motion passed by 5-0.

- **Amend Chapter 22, Part 2 (Definitions) of the Subdivision and Land Development Ordinance.**

Ms. Rabold stated that since the Workshop on May 27, there were a few minor changes that matched the same ones in the Part 2 (Definitions) amendments of the Zoning Ordinance. She also noted two typographical errors that will be corrected.

Attorney Ashley closed the Public Hearing after hearing no comments.

Motion by Commissioner Conn, seconded by Commissioner Patnaik, to adopt Ordinance No. 06-2021-636, amending Chapter 22, Part 2 (Definitions) of the Subdivision and Land Development Ordinance.

Roll Call:

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

The Motion passed by 5-0.

- **Amend Chapter 22, Part 10 (Design Standards & Required Improvements) of the SALDO.**

Ms. Rabold stated that there have been no changes since the discussions in the Workshop on May 27, 2021. She commented that this amendment deals with design standards relating to lot developments or subdivisions.

Ms. Ellen Yorgey of 3150 Douglas Road inquired about number C4 on Page 11, regarding earth excavation at a slope of 3:1 (instead of the previous 4:1), and asked why it was changed. Mr. Tettermer stated that it was revised to 3:1 in order to bring it into conformance with existing zoning requirements because the SALDO and the Zoning Ordinance conflicted in that regard.

Ms. Jane Benning 3111 Douglas Road inquired about how the new slope requirement compares to the slope requirement of other surrounding municipalities. Mr. Tettermer stated that a 3:1 slope is a stabilized slope. He commented that while it is a little bit steeper than 4:1, it is an acceptable slope as far as a conservation district and most other SALDO Ordinances in the area.

Ms. Benning stated that she is not in favor of steeper slopes because of concerns with water runoff. Mr. Tettermer replied that any time there is a slope in excess of 7 or 6:1, proper stabilization needs to be provided for that slope. He noted that the stabilization has to be documented on the plans to make sure it is appropriate. Ms. Benning stated she would like the decision to be reconsidered.

Ms. Rabold explained that the SALDO and the Zoning Ordinance should be the same because sometimes property development will impact zoning, but SALDO will not. She commented that sometimes both SALDO and Zoning are a requirement of property development and that is why there is a conflict. Ms. Rabold noted that the Township went with the lower ratio because there were already developments under construction in the Township that only went through zoning.

Attorney Ashley closed the Public Hearing after hearing no other comments.

Motion by Commissioner Conn, seconded by Commissioner Lipkin, to adopt Ordinance No. 06-2021-637, amending Chapter 22, Part 10 (Design Standards and Required Improvements) of the Subdivision and Land Development Ordinance.

Roll Call:

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

The Motion passed by 5-0.

- **Amend Chapter 25, Tree Maintenance, Removal and Replacement Ordinance.**

Ms. Rabold commented that this is a complete overhaul from the original Tree Ordinance. She noted that there were some changes since the Workshop on May 27 and most changes are related to the Tree Harvesting aspect of the Ordinance. Ms. Rabold stated that a number of definitions were added and is mostly taken word-for-word from the sample that was given to the Township by the Attorney General's office. Ms. Rabold read into the record a letter received from AG's office.

Ms. Benning asked if there is a requirement to replace trees that are cut down. Ms. Rabold stated that the Right to Farm Act prohibits the Township from requiring tree replacement and noted that the Attorney General's office pointed out that requirement for reforestation in our Zoning Ordinance is a violation.

Ms. Keim noted her belief is that the State makes rules to be applied state-wide, but they do not necessarily apply in urban watershed areas. Attorney Ashley stated that the Township received a letter from the Attorney General's office indicating they were going to sue the Township and they provided a sample Ordinance.

Mr. John Regan of Future Forest Timber Management LLC commented that tree harvesting is not just about making money. He stated that trees have a natural lifespan and when there is a demand of wood products, foresters make sure the demand is met responsibly. He commented that as far as tree replacement goes, trees come back naturally through seeds so there is no need to rely on artificial means. Mr. Regan also noted that studies have shown that an older-growth forest does not filtrate water as well as a vibrant, young forest.

Mr. Regan posed several questions to Ms. Rabold regarding specific parts of the Ordinance.

Ms. Benning questioned who is responsible for supervising the timber harvesting when it is happening in order to make sure the foresters are following the procedures. Ms. Rabold stated that it will be handled like most other Ordinances in that when an individual gets a permit, he/she is responsible for following the rules. She noted that the Township could do a spot check, but will not be out in the field monitoring them.

Commissioner Brinton stated that she received a call from a resident at 824 Wenner Street because the resident was under the impression that these new amendments will allow tree harvesting on ten acres of land that the Girl Scouts own. Ms. Rabold stated that if the Girl Scouts submit a plan and get a permit, then yes, just like any other property, someone can perform tree harvesting. Commissioner Brinton inquired if this topic has to do with the meetings previously held regarding the Girl Scouts property. Ms. Rabold responded no, there is a difference between tree harvesting and cutting trees due to construction.

A discussion ensued regarding a 40-acre property that the Girl Scouts organization recently purchased adjacent to their property. The discussion was ended by Attorney Ashley after determining that it does not pertain to the Public Hearing.

Attorney Ashley closed the Public Hearing after hearing no other comments.

- **Motion by Commissioner Lipkin, seconded by Commissioner Patnaik, to adopt Ordinance No. 06-2021-635, amending Chapter 25, Tree Maintenance, Removal and Replacement Ordinance.**

Roll Call:

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

The Motion passed by 5-0.

- **Amend Chapter 9, Grading and Development Ordinance.**

Ms. Bonaskiewich stated that the Ordinance has been tabled for a July meeting. Ms. Straley inquired as to why it is being tabled. Ms. Rabold responded that upon further review, there were some things added in the Grading Ordinance amendments that do not need such an extensive review (i.e. curb cuts, driveway addition).

Ms. Straley asked what the approval process is for changing Ordinances. Attorney Ashley replied that the State requires the Township to go through Public Hearings and advertisement requirements.

Mr. Regan inquired as to when the Ordinance will go into effect. Ms. Bonaskiewich stated that the Ordinance takes effect immediately.

The Public Hearing was closed.

RESOLUTIONS

None.

MOTIONS

Motion to Accept the Resignation of Mark Kijak from the Township's Planning Commission.

Ms. Bonaskiewich noted that Mr. Kijak is moving out of the area and has resigned effective June 14, 2021.

Commissioner Brinton thanked Mr. Kijak for his service.

Motion by Commissioner Lipkin, seconded by Commissioner Conn, to accept the resignation of Mark Kijak from the Township's Planning Commission.

Roll Call:

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

The Motion passed by 5-0.

PRIVILEGE OF THE FLOOR

Ms. Ellen Yorgey of 3150 Douglas Road inquired if the Township could send meeting notices via email. Commissioner Brinton noted that all the meetings with corresponding agendas are listed on the website.

Ms. Jane Benning of 3111 Douglas Road requested the street sweeper clean various streets off West Rock Road. Mr. Levernier noted that he will follow-up in the area.

Ms. Baillie reminded the Board that Movie Night will be held on June 25, 2021 and Salisbury Night at the Iron Pigs will be on July 20, 2021. She noted that a second movie night will be held on August 13, 2021 and the AM Radio Band will be playing at Franko on September 5, 2021.

Mr. Ziegenfus stated that the Township received several proposals for the bond refinancing and he plans to bring the matter for a formal vote at the next meeting.

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

Mr. Tomas Hart, Fire Inspector, was present to review the Fire Report submitted by both Fire Departments.

ADJOURNMENT

Commissioner Conn made a motion to adjourn the meeting. Seconded by Commissioner Lipkin. The time was 8:28 p.m.

Respectfully submitted,

Cathy Bonaskiewich
Township Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on June 24, 2021.

Approved and certified on this date:

Cathy Bonaskiewich

Date: _____

SEAL