

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**MINUTES FROM THE BOARD OF COMMISSIONERS
REGULAR MEETING – 7:00 PM
January 27, 2011**

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.

Members attending:

James Brown, President
Robert Martucci, Jr., Vice President
Norma Cusick, President Pro-Tempore
James Seagreaves
Joanne Ackerman

Staff attending:

Randy Soriano, Township Manager
Cathy Bonaskiewich, Assistant Township Manager/Finance Director-EXUSED
John Andreas, Director of Public Works
Allen Stiles, Chief of Police
Cynthia Sopka, Director of Planning & Zoning
John Ashley, Esquire, Township Solicitor
David Tettemer, representative of Township Engineer, Keystone Consulting Engineers

CALL TO ORDER

President Brown called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE FOLLOWED.

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 3-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.

APPROVAL OF FINANCIAL REPORT AND BILLS PAYABLES

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the unaudited Financial Report for the period ending December 31, 2010 and the list of Bills Payable for the period 1/8/2011 through 1/21/2011.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

MINUTES

January 13, 2011

Commissioner Brown declared the January 13, 2011 Board of Commissioners Regular Meeting Minutes approved as presented.

NEW BUSINESS

ORDINANCES

None

APPOINTMENTS/RESOLUTIONS

Consideration of a Resolution to appoint a primary Sewage Enforcement Officer for 2011

RESOLUTION NO. 01-2011-1378

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, APPOINTING A PRIMARY SEWAGE ENFORCEMENT OFFICER AND ALTERNATE SEWAGE ENFORCEMENT OFFICERS FOR THE TOWNSHIP.

WHEREAS, the Board of Commissioners desires to appoint Mr. John Burkhardt of Certified Inspection Services as the Primary Township Sewage Enforcement Officer; and to appoint as Alternate Sewage Enforcement Officers Jeffrey T. Huff, Christopher A. Taylor and Scott J. Brown of Hanover Engineering Associates, Inc. of 252 Brodhead Rd., Suite 100, Bethlehem PA 18017 and Chris Noll of Keystone Consulting Engineers, 6235 Hamilton Blvd., Wescosville, PA 18106 for the Township of Salisbury.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby resolved by the same that Mr. John Burkhardt of Certified Inspection Services be appointed as Primary Sewage Enforcement Officer and that Jeffrey T. Huff, Christopher A. Taylor and Scott J. Brown of Hanover Engineering Associates, Inc. and Chris Noll of Keystone Consulting Engineers be appointed as Alternate Sewage Enforcement Officers for the Township of Salisbury; all terms to expire on January 1, 2012 or until a successor has been appointed.

AND BE IT FURTHER RESOLVED that said Sewage Enforcement Officers shall be paid compensation on an hourly basis as outlined in their respective Fee Schedules attached hereto or upon such other basis as may be mutually agreed upon between the Township Sewage Enforcement Officers and the Board of Commissioners for all work performed, as assigned by the Township.

APPROVED AND ADOPTED this 27th day of January, 2011 at a regular public meeting.

ATTESTED:

Township Secretary

Mr. Soriano stated that the staff has reviewed and prepared a comparison cost analysis of the three Professional Fee schedules. Mr. Soriano stated that last year alone, the Township processed only a handful of applications. He noted that the current Primary Sewage Enforcement Officer is John Burkhardt, the secondary is Hanover Engineering Associates, and the Township intends to add Keystone Consulting Engineers in the preferred list. Mr. Soriano commented that this action is required by Resolution pursuant to Act 247.

Commissioner Cusick commented that the analysis was very helpful in discerning the various costs associated with the review and permitting of sewage enforcement matters.

Motion by Commissioner Cusick seconded by Commissioner Ackerman, to adopt the Resolution to appoint a Primary Sewage Enforcement Officer, John Burkhardt and Alternate Sewage Enforcement Officers Jeffrey Huff, Christopher Taylor and Scott Brown from Hanover Engineering Associates, and Chris Noll from Keystone Consulting Engineering.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Motion to adopt the Lehigh Mountain Park (Walking Purchase Park) Master Site Plan

Mr. Soriano stated that at the last work session, he touched upon on the need of the three current owners of the Walking Purchase Park, which are Lehigh County, City of Allentown and Salisbury Township, to move forth in submitting development grants for the Walking Purchase Park.

Mr. Soriano stated that in order to take advantage of this window, the completed Master Site Plan will need to be formally adopted by the respective governing bodies. He noted that the Plan prepared by CMX, the County of Lehigh consultant, was finished in late 2010 and accepted by the Pennsylvania Department of Conservation and Natural Resources. Mr. Soriano commented that the Resolution will effectuate this requirement and formally accept the plan.

Mr. Soriano stated that the Walking Purchase Park Plan calls for new signage, trails, security gates, boat launch, building facilities, landscaping and pavilions, for a total cost of approximately \$1.4 million dollars. Mr. Soriano stated that he envisions the development will occur in phases and that there would be many partners contributing to the development and providing the required match funds for the Grant.

Commissioner Cusick commented that she was looking forward in cooperating with both the City of Allentown and County of Lehigh in the development of the Park. Commissioner Brown noted that the Township, by the adoption of the Resolution, has taken the lead to spearhead the development and he was looking forward to submitting grants to see that come to fruition.

RESOLUTION NO. 01-2011-_____

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, TO ADOPT

THE LEHIGH MOUNTAIN PARK (WALKING PURCHASE PARK) MASTER PLAN.

WHEREAS, the Township of Salisbury Board of Commissioners recognizes the need to have a master plan for Lehigh Mountain Park, which the Township renamed “Walking Purchase Park” (Park), to assist in the long range planning and future development of the Park; and

WHEREAS, the Township of Salisbury Board of Commissioners commissioned a master plan to be developed that was reviewed with input from the County of Lehigh, City of Allentown, Wildlands Conservancy, Township staff and the public.

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved that the Township of Salisbury Board of Commissioners adopts the Lehigh Mountain Park Master Plan, as presented.

APPROVED AND ADOPTED this 13th day of January, 2011 at a regular public meeting.

Motion by Commissioner Cusick, seconded by Commissioner Seagreaves, to adopt the Lehigh Mountain Park (Walking Purchase Park) Master Site Plan.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

APPOINTMENT

Mr. Soriano stated that the appointment to the Vacancy Board last meeting was tabled. Mr. Soriano noted that normally the Commissioner appoints a resident from his/her Ward. Mr. Soriano read the upcoming appointment and re-appointments:

- 1. Vacancy Board – 1 year term**
 - Ward 3 Commissioner to make nomination.
 - a. *Randall Moyer (2nd Ward)***

Motion by Commissioner Cusick and second by Commissioner Martucci to appoint Mr. Randall Moyer to the Vacancy Board.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

MOTIONS

Consideration of a request to extend the approval of the Parkwood Real Estate Trust Preliminary/Final Land Development Plan until July 1, 2013.

Mr. Soriano noted that the Township received a letter from James Rothdeustch, P.E. of Pidcock Engineering, owners of the land and existing building, requesting an extension until July 1, 2013 for recording their plans of the approved development due to the downturn of the economic climate. Pursuant to Act 46 of 2010, this amended the PA Fiscal Code, which provides the following: “... *relief to the building industry impacted by the economic downturn and to that end is focused on land development for residential and commercial purposes. The Act automatically extends the expiration date of certain types of approvals, permits, decisions, agreements and other authorizations or decisions (hereafter "approvals") that were in effect, or issued, after December 31, 2008. The extension provided under Act 46 lasts until July 1, 2013.*”

Mr. Soriano believed this development was conditionally approved on June 12, 2008. He noted that all of the conditions have been met and the developer has executed the Improvement Agreement and BMP Maintenance Agreement. Mr. Soriano stated that the issue of Act 46 applicability should be reviewed by Attorney Ashley. Mr. Soriano noted that he has asked Attorney Ashley to review whether the Board can still do so without statutory authority. Mr. Soriano has also conferred with the Township Engineer, who believes the Board can act pursuant to SALDO 9.1.A., which deals with the recording of approved plans.

Ms. Sopka commented that Pidcock Engineering recently finalized with signatures for the Storm Water Best Management Practices Agreement and the Improvements Agreement. Both Agreements have been recorded as of 1/13/2011; thereby the request is within the 90 day timeline.

Attorney Ashley noted that the request clearly falls within the requirements of Act 46 of 2010 that grants an automatic extension.

Mr. Rothdeustch noted that he did not have very much to add to what was already said and hoped that the economic climate will change to make this development feasible. He noted that by

delaying the recording of the plan, it will save time if the project starts again, and there would not be a need to revise the plan.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to approve the extension as requested to record the Parkwood Development Plan until July 1, 2013.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Motion to ratify the amendments to the Fire Station Lease Agreement with Eastern Salisbury Fire Department.

Mr. Soriano noted that the Board at the work session discussed the changes to the current Lease for the Fire Station at Emmaus Avenue with the Eastern Salisbury Fire Department. Mr. Soriano commented that the one substantive change was to place the burden of paying for all utilities on the Lessor (The Township). He reviewed the section that would be amended, as follows:

ARTICLE 8. UTILITY CHARGES

Lessor shall be responsible for and pay all telephone, heating, electrical and gas service charges for the Premises, as well as any other charges for utility and/or municipal services supplied to or servicing the Premises including water, sewer and trash service charges for the Premises. The Lessee agrees that any water consumption on the Premises shall not be utilized for the washing and/or servicing of personal automobiles, or other personal motor vehicles or equipment, of any agents, representatives, servants, employees or members of Lessee or other persons permitted to be on the Premises by the Lessee.

Mr. Soriano indicated that the cost for this change is estimated at \$15,000, which was included in the 2011 budget to cover the costs. Mr. Soriano also discussed insurance requirements necessary for the Eastern Salisbury Fire Department to have in place and providing a certificate of insurance, naming the Township as an additional insured on their policy. Mr. Soriano noted that this requirement was fulfilled for the 2011 year and a minor revision in Article 5 to address what constituted ordinary minor repairs that the Lessee would be able to perform.

Motion by Commissioner Cusick, seconded by Commissioner Ackerman, to approve the revised Lease for the Fire Station with the Eastern Salisbury Fire Department.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES

COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

Consideration of a Motion to approve Change Order No. 2 for the Lindberg Park Tennis Courts Reconstruction Project and approve Payment Application No. 8 to Schlouch Incorporated in the amount of \$5,391.71.

Mr. Soriano indicated that the Change Order decreases the price of the contract from \$142,011.96 to \$137,962.83, due to a credit for the re-use of milled asphalt and stone, totaling approximately 2,793 square yards. This amounts to \$5,055.33. Mr. Soriano added that the tennis court had to be increased in size to allow for regulation spacing at a cost of \$1,006.20, for a net decrease of \$4,049.13.

Mr. Soriano noted that Payment Application No. 8 is for \$5,891.71, of which \$500 is retained for reseeding in the Spring of 2011.

Motion by Commissioner Cusick, seconded by Commissioner Martucci, to Change Order No. 2 for the Lindberg Park Tennis Courts Reconstruction Project and approve Payment Application No. 8 to Schlouch Incorporated in the amount of \$5,391.71.

Roll Call:

COMMISSIONER ACKERMAN -YES
COMMISSIONER SEAGREAVES-YES
COMMISSIONER MARTUCCI-YES
COMMISSIONER CUSICK-YES
COMMISSIONER BROWN-YES

The Motion passed by 5-0

OLD BUSINESS

None

COURTESY OF THE FLOOR

Mr. John Eberhardt of 1400 Constitution Drive questioned the approval process for the Walking Purchase Park Master Plan. Mr. Soriano stated that the Plan was assembled and submitted to Pennsylvania Department of Conservation and Natural Resources based on the input during the deliberation and public comment period. He explained that what the Board approved tonight was the document that has already been approved by PA DCNR and accepted as a Master Site Plan for the park, but was never really officially approved by a formal Resolution by the Board.

Mr. Eberhardt also expressed concern about the rules for recreational vehicles in the park and the new permitting system for mountain bikers. Mr. Soriano explained that was a separate issue and commented that there will be a public hearing when the Plan goes to the next level.

Ms. Jane Benning of 3111 Douglas Road thanked the Public Works Department for their snow removal efforts.

The Environmental Advisory Committee presented their 2010 annual report. Mr. Glenn Miller, Chair, noted that their biggest accomplishment was the near completion of the Natural Resources Inventory. He stated that at the last meeting, the Committee approved the draft report received from the Lehigh County Conservation District.

Commissioner Brown commented that the Environmental Advisory Committee's goals and objectives for 2011 are very aggressive. He also commended the Committee for their efforts in the cleanup of Walking Purchase Park. Commissioner Brown thanked Commissioner Ackerman for being the Board's liaison to the Environmental Advisory Committee.

Commissioner Martucci also thanked the Public Works Department for their snow removal efforts.

ADJOURNMENT

Commissioner Cusick made a Motion to adjourn the Meeting. Seconded by Commissioner Martucci. The time was 8:03 p.m.