

**APPROVED**

April 8, 2008  
Salford, Pennsylvania

The regular April meeting of the Upper Salford Board of Supervisors was brought to order by Chairman Poatsy at 7:30 PM. Messrs. O'Donnell and Hagey were present, as well as the Township Solicitor, Mr. Imms.

The following reports were presented for the month of March 2008: State Police, Fire Company, Special Fire Police, Green Lane Community Ambulance, Planning Commission, Zoning Officer, Park Board, Road Superintendent, Solicitor and Indian Valley Regional.

In response to the solicitor's report, Roger Richter questioned the status of Kate Harper's appeal.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors approved **Resolution 2008-7** thereby approving the application of Spring Mountain Home Builders, Inc. for preliminary plan approval of the **Bateman Tract Subdivision** on Salford Road, plan #1041, dated June 15, 2007, revised October 15, 2007, with the following waivers:

- Section 605. A – sidewalks
- Section 605. L – curbs and storm sewers
- Section 608.E.2.a – Basin side slopes
- Section 608.E.2.b – Minimum flow path length
- Section 608.E.2.c – Total basin perimeter length
- Section 608.E.2.d – Stormwater management facility landscaping
- Section 612.D – Partial waiver for street trees
- Section 612.E – Partial waiver for buffer planting – adjoining property
- Section 612.G – Partial waiver for additional required plantings
- Section 612.H – Stormwater management facility landscaping

With the following conditions:

- Compliance with the Township Engineer's letter dated October 25, 2007
- All deeds of conveyance of any of the lots shall include a restriction against further subdivision of the lots
- The applicant must provide a letter confirming the inspection and adequacy of the on lot sewage disposal system on proposed lot 5 to meet the needs of the dwelling
- The applicant must provide documentation necessary for the recording of a deed of easement for all trail easements to be offered to Upper Salford Township
- The maintenance of the road side swales proposed to convey stormwater along Salford Street shall be included within the Operation and Maintenance Agreement relating to stormwater management facilities.
- The final plan submitted shall comply substantially with this approval

- The applicants shall be required to submit copies of all approved planning modules for each lot and to execute an Operation and Maintenance Agreement and post all financial securities required there under as a condition of approval of any submitted final plan of subdivision
- The applicant shall comply fully with the requirements of the Upper Salford Township Subdivision and land Development Ordinance and the plans submitted.

The applicant volunteered a contribution of \$20,000 to Upper Salford Township. The timing of the contribution shall be determined by the Board of Supervisors at the time of final plan approval.

Roger Richter questioned the reason for the \$20,000 contribution and asked if the proposed drainage along Salford Street was presented to the State for review.

The vote carried two to one with Mr. Hagey voting nay on the grounds that he did not wish to grant a waiver from Section 605.L relating to the curbing and storm sewers along Salford Street.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors authorized the release of the Bateman Tract Planning Module to the Department of Environmental Protection. The vote carried two to zero with Mr. Hagey abstaining.

At the request of Mr. O'Donnell, the Orchard Park lease review was tabled until the May meeting.

Roger Richter questioned the status of the lease proposals received.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors unanimously authorized the purchase of a Hustler Super Z XR-7 commercial lawn mower, with the price not to exceed \$9,000.

An announcement was made that a community clean-up day has been scheduled for April 26, 2008. All interested parties should meet at the Upper Salford Park pavilion at 8:30 a.m. on the morning of the 26<sup>th</sup>.

Mr. O'Donnell indicated that he was trying to arrange a meeting between himself, Representative Mensch, and the County to discuss a resolution of the Salford Station Road bridge. He hoped to have some information to present at the next Board of Supervisors meeting.

Mr. Poatsy read the following prepared statement:

On March 10, 2008, TH Properties submitted a Preliminary Plan application to Upper Salford Township consisting of 121 Sheets together with a Traffic Impact Report. Since the Order of the Court approving the Stipulation approved by the Board of Supervisors has been appealed by the Township, which is pending before the Commonwealth Court, and since the Board of Supervisors on January 7, 2008 resolved to repudiate that Stipulation, this submission of the Preliminary Plans required the Board of Supervisors to determine the scope of the review – a question which boils down to which ordinances will apply to the application.

In order to preserve the legal rights of the Township, both those underlying the appeal and those contained within the Stipulation, and in order to preserve the legal standing of the Township as it relates to the Township's obligation under the Stipulation and under the Pennsylvania Municipalities Planning Code, the Board of Supervisors determines to review the submission for compliance under both the Stipulation and the current ordinances, with the expectation that the Township will have a resolution to the appeal within the review period contained in the Stipulation and be able to address the application within the time limits required by the Municipalities Planning Code.

To that end, the Board authorizes the Township Engineer to prepare a review of the plan's compliance with the ordinances incorporated in the Stipulation and the ordinances in effect as of the date of submission of the Plans. In addition, the Board authorizes the Township Solicitor to communicate with counsel for the applicant to advise the applicant of the Board's decision. A motion was made and carried with a vote of two to one with Mr. Hagey voting nay, as he had not had the opportunity to review the information presented.

Chip Damiani and Roger Richter questioned the purpose of this motion.

Cliff Weller asked if there was a cap on how much the township would spend to fight THP.

Cliff Weller and several other members of the community attended the meeting with concerns about Shelly Road being closed to trucks over 10 tons and expressed the problems the restriction is causing for local business.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the April bills amounting to \$60,621.48 were authorized for payment.

The receipts for the month of April totaled \$350,428.17.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the minutes of the March 11, 2008 meeting were unanimously approved as amended.

Chip Damiani questioned expenses on Attorney Kate Harper's bill for research on January 7, 2008.

Roger Richter questioned the outstanding rent due to the township from Rick Buckman for the Spring Mountain ski slope and Mr. Buckman's request to seek indefinite relief from lease payments on the first \$500,000 of ticket sales each year.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Susan Rosato  
Assistant Secretary