

APPROVED

August 12, 2008
Salford, Pennsylvania

The regular August 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 July 2008: State Police, Fire Company, Special Fire Police, Lower Frederick Ambulance, Green Lane Community Ambulance, Planning Commission, Zoning Officer, Third-Party Building Inspector, Park Board, Road Superintendent, and Township Solicitor.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors unanimously approved **Resolution 2008-13**, approving the application of Jeffrey Clemens for preliminary/final plan approval of the **Wrschka Tract Subdivision**, plan number 3771WSUB dated November 27, 2006, revised July 14, 2008, imposing conditions on that approval.

Three Zoning Hearing Applications were reviewed; one for a car wash use at the Shelly Square Shopping Center, another for landscaping relief for screening with regard to the Old Goshenhoppen Church land development plan, and the last for a small hair salon to be used as a home occupation at the residence of Debbie Rasbold on Schwenksville Road. The Board of Supervisors did not feel it was necessary to send the Township Solicitor to any of the hearings to represent the township.

Pending litigation matters were discussed, one of which was an age discrimination claim filed against the township by Mr. Hagey in connection with the 2008 Road Master appointment. Because of the unique situation that placed Mr. Hagey in a conflict of interest being in the position of both plaintiff and Supervisor of the Township, the Township Solicitor requested action to be taken by the Board with regard to communication of confidential material and direction on various matters.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors approved the following with a vote of 2 to 0 with Mr. Hagey abstaining:

- The Township Solicitor is authorized to enter his appearance on behalf of the Township, to communicate with appointed counsel and the PHRC (PA Human Relations Commission) and to request appointed counsel to direct all communication between appointed counsel and the Township to the Township Solicitor.
- The Township Solicitor is authorized to submit an inquiry to the Pennsylvania State Ethics Commission to confirm the existence of a conflict of interest of Mr. Hagey and to seek direction from the Commission as to the manner in which the Township and its

legal counsel may communicate with Mr. Hagey as a sitting member of the Board of Supervisors.

- The Township Solicitor and counsel appointed by the township's insurance carrier are authorized to limit communication regarding this claim to Mr. Hagey to matters which do not, in the opinion of legal counsel, constitute confidential information and/or information which, *inter alia*, may have an impact upon litigation tactics, defenses, or settlement of the claim.
- The Township Secretary is directed to withhold any information concerning this claim which she may receive from distribution to Mr. Hagey without specific advance clearance from the Township Solicitor that the information to be distributed does not constitute confidential information and/or information which, *inter alia*, may have an impact upon litigation tactics, defenses or settlement of the claim.
- The Township Solicitor is authorized to request from appointed counsel an outline of the defenses available and the exposure which the Township may have if the claim is substantiated.
- Counsel is directed to request that the Pennsylvania State Association of Township Supervisors join the township in the defense of the claim.

Various comments and questions regarding Mr. Hagey's claim were presented by the public, however Mr. Imms advised the Board not to address the merits of the claim.

Outstanding rent due from Spring Mountain Adventures and outstanding developer fees were discussed. The Township Treasurer was directed to work with the Township Solicitor to construct a letter to be sent to all individuals with outstanding balances.

Jack Stacy appeared before the Board seeking final approval of a field Use Agreement for three new soccer fields at the Upper Salford Park which the Harleysville Soccer Club will be paying to have constructed.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors unanimously approved the Use Agreement with the Harleysville Soccer Association, effective August 12, 2008, for the construction, maintenance and use of three athletic fields in the Upper Salford Township Park.

Members of the Folk Song Society appeared before the Board to discuss the Memorandum of Understanding with regard to the 2008 Philadelphia Folk Festival.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the Board of Supervisors unanimously adopted the Memorandum of Understanding with the Philadelphia Folk Song Society for the festival to be held August 14 through August 17, 2008.

Several residents commented, both negatively and favorably, on the sale of beer at the festival.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors unanimously adopted Resolution 2008-14 designating temporary no parking areas and tow away zones from August 14, 2008 through August 17, 2008.

Erik Steinpick appeared before the Board to discuss the outcome of the PetZoo festival held on Spring Mountain on July 26, 2008. He is hoping to hold another festival on the mountain next year.

One resident that lives across from the mountain asked that next year a barrier be installed to contain the sound. Mr. Poatsy felt maybe the music should stop at 11:00 p.m. Mr. Steinpick was instructed to start working on the festival earlier next year.

Lori Smith was appointed as Office Assistant to assist at the township office during Dottie Terhune's absence at the rate of \$12.50 per hour.

The Board of Supervisors reviewed a proposal presented by Mast Consulting, LLC, for work performed on the township owned software used by the Township Tax Collector.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors unanimously approved payment of Mast Consulting charges amounting to \$1143.75. It was decided that in lieu of signing a contract with Mast Consulting LLC, the township would make payments based on an "as needed" basis. The Tax Collector was instructed to inform the township of all expenses incurred in the future for amendments to the tax program software.

The following three bids were acquired for striping 66,792 linear feet 4" double yellow lines on township roads.

Interstate Road Management, Hazelton, PA	\$5209.78
Alpha Space Control, Chambersburg, PA	\$6011.28
Guidemark, Souderton, PA	\$6680.00

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the Board of Supervisors unanimously recommended acceptance of the bid from Interstate Road Management for \$5,209.78.

Bids were acquired from I.T. Landes, R. Marshall and Affordable/Angel Cooling and Heating for the installation of a new air conditioning unit in the township building.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors recommended acceptance of the bid from Affordable/Angel Cooling and Heating for \$5188.00 as outlined on their bid proposal dated July 24, 2008. The vote carried 2 to 0 with Mr. Hagey abstaining.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors unanimously authorized the Special Fire Police's to request assistance from the following Fire Police Units with traffic and crowd control at the Old Goshenhoppen annual Oyster Picnic to be held September 6, 2008: Salford Township, Green Lane Borough, Skippack Borough, Schwenksville Borough, Lower Salford Township, Lower Frederick Township and Upper Frederick Township.

The 2008/2009 winter contracts were reviewed from PA DOT and Montgomery County. The amounts offered under the contracts were considered inadequate due to the significant increase in salt prices projected for the coming season.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors chose not to accept the State and County's contracts for snow removal for the 2008/2009 season. The vote carried 2 to 1 with Mr. Hagey voting nay.

Mr. Poatsy announced that the Park Board is working on a project to connect the existing trails and trail easements throughout the township and invited all interested residents to attend the next Park Board meeting to offer their opinion.

Leroy Clemmer made a request to the Board of Supervisors to review the Township Zoning Ordinance in relation to forestry regulations and compare it to the State Forestry Law.

On a motion made by Mr. Hagey and seconded by Mr. O'Donnell, the Board of Supervisors unanimously agreed to place the review of the Township Forestry Ordinance on the next Planning Commission Agenda for discussion.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the August bills amounting to \$131,017.57 were unanimously authorized for payment.

The receipts for the month of August totaled \$44,124.77.

The Treasurer's report as of August 12, 2008 noted the following amounts: total assets-\$3,270,722.49, total liabilities-\$874,591.09, total equity-\$2,396,131.40. Total liabilities and equity equal \$3,270,722.49.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the minutes of the July 8, 2008 meeting were unanimously approved as amended.

Various questions and comments were made by the public which included:

The State Ethics investigation of former Township Supervisor, Rudy Gular which had been closed in May. A motion made by Mr. Hagey to include a letter from the State Ethics Commission in the minutes failed for lack of a second. Edits to the 537 draft at Mr. Poatsy's request to which Mr. Hagey requested his opposition be on record. Accessibility of the Supervisors to township residents. Negotiations regarding the Salford Station Road Bridge as well as those connected to the stipulation agreement with THP. Well wishes were extended to the Township Secretary, Dorothy Terhune, from all in attendance.

The meeting adjourned at 10:40 p.m.

Respectfully submitted,

Susan Rosato
Assistant Secretary