

Approved

August 14, 2007  
Salford, Pennsylvania

The regular August meeting of the Upper Salford Board of Supervisors was brought to order by Chairman Hagey at 7:30 PM. Mr. Gular and Mr. Poatsy were also present.

The report from the State Police noted a total of 38 incidents for the month of July 2007: 13 accidents, 1 trespass, 3 false alarms, 1 criminal mischief, 2 requests for assistance, and 18 miscellaneous items.

The Upper Salford Fire Company responded to 21 incidents in July, for a total of 169.20 emergency call hours.

There was no report from the Upper Salford Special Fire Police.

The Lower Frederick Ambulance responded to 11 calls in Upper Salford Township and 1 call at the Spring Mount Ski Area in the month of July.

There was no report from the Green Lane Ambulance for the month of July.

The Planning Commission met on August 1, 2007 and recommended conditional approval of the Bunton Tract located on Burton Road. They also reviewed a sketch plan provided by Ron Mininger for the construction of commercial buildings on the corner of Sumneytown Pike and Morwood Road, and discussed an option for the available pad site at the Shelly Square Shopping Center with representatives from Spring Hill Realty.

The Zoning Officer issued 13 permits for the month of July. He spent a total of 47.5 hours in zoning related matters.

There was no report from the building inspector.

The Park Board did not meet in July.

The Solicitor reported that during the month of July he continued working on various land development matters, some of which included the Bateman Tract, Old Goshenhoppen Land Development, Vaughn Run II Subdivision, and the 1754 Wolford Road Subdivision. He recorded plans, prepared and posted advertisement for a zoning hearing, worked on the Clemens forestry permit violation, researched issues for the Zoning Officer, worked on the Act 537 update and timeline letter to DEP, constructed an operation and maintenance agreement and assisted the township staff with various matters. He also attended meetings as requested by the Board of Supervisors.

The Road Superintendent did the following work during the month of July: assisted with the Red, White and Blue parade on July 4<sup>th</sup>, cleaned out the fence row at Rahmer Park, repaired bleachers at the Upper Salford Park, replaced stop sign at Grubb and Larson Roads, removed trash from the parks, repaired and cleaned equipment, mowed along township roads, parks and island, attended a Public Works meeting on July 26<sup>th</sup>, opened the ditch on Long Mill Road, removed brush at intersection of Long Mill and Route 63 because of a site problem, hauled wood chips and spread on playground area at Rahmer Park, installed end wall pipe on Salford Station Road – filling in the area and reseeding, replaced windows and repaired trusses at Orchard park, patched areas on Baghurst, School, Hendricks, Quarry, Roskowski and Sumneytown Roads, watered trees and plantings in parks, replaced sand bags at road closed signs, expanded farm house parking area, removed tree limbs along Long Mill Road and removed and destroyed hornet's nest and bag worm nests from Upper Salford Park.

Members of the Folk Song Society; David Baskins, Andy Braunfeld, Pat Schwartz and Tom Imms, approached the Board of Supervisors to consider an amended contribution calculation for the Fire Company for this year's festival. They proposed a flat rate of \$7500 with the addition of \$1.00 per camping and all-festival tickets sold. Their reasoning was they felt this would simplify the matter, help with their budgeting, as well as that of the fire company's, and balance out the burden of lower sales during the years that the festival is less successful. A request was asked for an analysis of this new contribution schedule based on the past 10 years, as well as a copy of the audited books, as per paragraph 19 of the contract. It was decided that the previous contract used in the past would remain in effect this year and the amended contract would be given some consideration for future festivals after the requested information was reviewed. It was also decided that discussions on the Folk Festival should come earlier than August since it is difficult to work out problems at such a late date. On a motion made by Mr. Poatsy and seconded by Mr. Gular, the Board of Supervisors unanimously approved the contract for the 2007 Philadelphia Folk Festival.

Questions arose from the public to include the following:

- Set a deadline when the contract needs to be signed by to eliminate issues arising at the last minute.
- The space allotted to the fire company was questioned but it was confirmed that the area would remain the same as they always had.
- Mrs. Clemmer from 884 Spring Mount Road indicated they were having a problem with people pulling into their driveway looking for the Folk Festival because of the placement of a sign for the Festival that is on a telephone pole across from their driveway. They asked that it not be placed at that location again. Pat Schwartz indicated that she would notify her road crew.

The regular monthly meeting was adjourned at 8:10 PM and the Board entered into a **Conditional Use Hearing for Steve Fisher** with regards to the Bateman Tract. The hearing was recorded by a court stenographer and the transcripts of these hearings shall be incorporated and made a part of these minutes.

The hearing was adjourned at 8:50 PM and Mr. Hagey reconvened the regular meeting at that time. It was the consensus of the Board to defer action on the application and agreed to issue a decision within 45 days.

On a motion made by Mr. Hagey and seconded by Mr. Gular, the Board of Supervisors unanimously authorized the Upper Salford Special Fire Police to request assistance with crowd and traffic control on September 8, 2007 during the Old Goshenhoppen Church Oyster Picnic from the following Fire Police units: Green Lane Borough, Lower Frederick Township, Lower Salford Township, Towamencin Township, Salford Township, Schwenksville Borough, Limerick Township and Trappe Borough.

On a motion made by Mr. Hagey and seconded by Mr. Gular, the Board of Supervisors unanimously accepted the Montgomery County snow removal contract in the amount of \$3,645.00 for the 2007-2008 winter season.

On a motion made by Mr. Hagey and seconded by Mr. Gular, the Board of Supervisors unanimously accepted the PA Department of Transportation snow removal contract in the amount of \$22,424.04 for the 2007-2008 winter season.

An offer was made by Clifton Bull to allow the township to purchase a piece of property he owns on Old Church Road for open space. The property is located next to his and is about one and a half acres

in size. It was decided that the supervisors would need to look at the property and determine what price Mr. Bull is looking for before any decisions could be made.

On a motion made by Mr. Hagey and seconded by Mr. Gular, the Board of Supervisors unanimously authorized the use of the Township's Engineers, Technicon Enterprises Inc. II, to perform various inspections throughout the township until the in-house inspector receives all of the necessary certifications. This was the result of a recent Labor and Industry audit.

Mr. Hagey provided a PowerPoint presentation detailing the offer made by T. H. Properties to settle their appeal of the Board's denial of their conditional use application. Through the various negotiations, the offer placed before the Township for consideration was 175 homes with a golf course utilizing the area designated for open space. The golf course would be run by the developer for 35 years, during which time the Township would receive a 4% revenue from the green fees collected. After the 35 years, the Township would assume ownership of the golf course. The proposal included the connection of the development to a public water source, most likely the North Penn Water Authority, and connection to the wastewater treatment plant at the Shelly Square Shopping Center for sewage removal. Road improvements along Old Skippack Road, Schwenksville Road and Shelly Road, including the intersection, would be completed. A contribution to the Fire Company for \$50,000 was offered if the stipulation is approved before September 30, 2007. A \$3,000,000 contribution to the Township was made for use by the township at their discretion. Additionally, T. H. Properties has agreed to construct water and/or sewer lines along Old Skippack Pike to Salford Street to resolve an issue with failing systems in those areas.

After the presentation, the public made comments and asked various questions including the following:

- Arlene Cressman expressed concern about the golf course if THP went out of business before the expiration of the 35 year lease period. When Mrs. Cressman indicated her concern that the expense of running the golf course might be a burden to the Township as it appears to be in Lower Salford, another resident, Chip Damiani, responded that Lower Salford had paid for the construction of their golf course and alluded that may be the cause of their financial burden.
- George Clemmer indicated his concern that the additional homes would affect our schools and roads and increase our taxes.
- Barbara Gormley expressed her disagreement with the September 30<sup>th</sup> deadline presented by THP.
- Barbara Clemmer asked if the Township was going to propose a counter offer.
- Roger Richter indicated that he felt the proposal was good and asked what the Township was waiting for. A lot of money has been spent fighting against everyone who has tried to develop the property and we can't fight forever. He did not want to put the decision for the use of the land in the hands of a judge.
- Carl Ifert indicated he was flattered that THP chose our township for an investment of this magnitude.
- Barbara Gormley asked why this development is not required to be kept rural in compliance with the Indian Valley Regional Comprehensive Plan. Mr. Hagey explained it was submitted prior to the adoption of the new zoning.
- Roger Richter pointed out that what THP is requesting is an allowable use of the property by condition.
- Peggy Lee Clark indicated her concern that this development will set precedence in the future with other developers.
- Rick Sacks felt the location of a sewage collection/transmission line along Old Skippack may not be the best answer for the water/sewer problems along that road. It would be an expense to the residents to hook up as well as pay a monthly service fee. He also questioned if a golf course

would provide sufficient open space with it being broken down into smaller “islands”. Mr. Hagey disagreed that the pipe would not solve the problems along Old Skippack and felt he was reducing an expense to the effected home owners at a later date at which time they would be responsible for the full cost.

- Clift Marks indicated he preferred the golf course to having the houses spread out on an acre and a half each without any open space.
- Barbara Gourley questioned what percentage of residents were affected by the water/sewer problems and asked why the whole Township should be required to pay for the few that have problems. Mr. Hagey did not have the exact figures but indicated there were quite a few in the three village areas.
- Roger Richter mentioned that systems have been failing in the township for over ten years, to which Mr. Hagey agreed.
- Tom Swaintek asked if there will be other meetings to discuss the proposal. Mr. Hagey indicated that the discussions will continue at the August Joint meeting, the September Board meeting and the September Joint meeting.
- Carol Conner asked what would THP’s next move be should we refuse their proposal. Mr. Hagey did not know what they would do but he assumed they would proceed through the court.
- Fire Chief, Brian Gwiazdzinski indicated road widths would need to be reconsidered in case emergency vehicles need to get in there with cars parked on both side. Mr. Hagey informed him that would be discussed through the Planning Commission process.
- Barbara Clemmer asked what price homes were going in. Mr. Hagey believed they would be in the range of \$600 to \$700 thousand but was not certain. Mr. Clemmer pointed out that the more homes that go in the higher the taxes would be.
- Kevin O’Donnell expressed his personal disgust with the negotiation process.
- Roger Richter mentioned that Mr. O’Donnell was on the Planning Commission when the zoning was adopted that allowed for the development proposed and questioned why he was now disturbed by the proposal.
- Carl Ifert said he did not appreciate others giving their opinion while inferring that everyone was in agreement with them. He preferred everyone speak for themselves.
- Maria Landis asked if the plan would go through the regular Planning Commission process and was advised it would. In response to her inquiry, the location of the fairways on the golf course would be discussed during the Planning Commission’s review. Mrs. Landis also questioned if there was a possibility THP would have to abide by the current zoning to which Mr. Poatsy indicated it would have to go before the court to decide and Mr. Hagey indicted he believed they had the right to proceed under the old zoning ordinance since that zoning was in effect when the conditional use application was submitted.
- Arlene Cressman asked how many houses could go on the property under the new zoning ordinance adopted in 2005 and questioned if it went to court if there was a chance the number of house would be reduced, to which Mr. Hagey indicated that could happen, however, the number of houses could also be increased.
- Tom Swaintek voiced his concerns regarding the deadline to accept the proposal and asked if the Township could respond with an amended offer. Mr. Hagey indicated that this was the final result of the negotiations so there would be no counter offer and the deadline was put in place to avoid dragging out the matter further.
- Carol Conner questioned the reason for the conditional use and it was explained that THP wanted to use the open space for a golf course.
- Mrs. Clemmer mentioned she had heard THP was experiencing financial problems and asked what would happen should they go out of business before the completion of the job. It was explained that although it is impossible to speculate, the developer has certain obligations under the stipulation that would protect the township.

- Barbara Gormley asked how the Township residents will be notified that this proposal is being considered. Mr. Hagey explained that most likely it will be in the newspaper and it will probably be spread by word of mouth or through e-mails.
- Kevin O'Donnell asked for a copy of the contract, not the proposal read by Mr. Hagey. Mr. Hagey indicated that the solicitors were still working out the final language of the stipulation
- Arlene Cressman asked who would pay for the sewer line if THP were to go out of business. Mr. Hagey explained that the developer would be required to post financial security for the improvements before the work begins.
- Frank Gormley asked when the Township would receive the money and was informed the money would be given to the Township at the time the final plan is recorded.
- Peggy Lee Clark indicated that the offer of the money made her feel dirty as if it is a bribe and questioned if this type of offer is unusual. Mr. Hagey indicated that it is a common practice between developers and municipalities.
- Mr. Sacks had a concern regarding the stipulation that \$100,000 per month would be deducted from the \$3,000,000 offer for each month the approval of the plan is delayed over 18 months. From past experience he has seen many plans come in from developers without the requested amendments being made and several months between submissions. Those issues could result in the plan review process exceeding the 18 months. Mr. Hagey advised him that the developer was required to submit a revised plan within 45 days from each review.
- Chris Coffey asked why the developer offered money. Mr. Hagey concluded the money is most likely an incentive to accept the proposal and seek cooperation.
- Barbara Clemmer asked who would be responsible to maintain the additional roads. Mr. Hagey indicated that would be determined through the Planning Commission review process.
- Tom Swaintek asked what would be a normal turnaround time frame for a final approval on a plan of this size and scope. Mr. Hagey indicated there isn't a normal time frame. Each plan review is different as it depends on many things such as the complexity of the development, cooperation of the engineer, etc. Mr. Swaintek asked if the 18 month review period was a realistic time frame, to which Mr. Hagey responded that he felt it was.
- Lori Smith indicated the two-lot subdivision next to her house took two years to complete. She then asked who prepared the presentation and Mr. Hagey indicated it was the Township Solicitor.
- Kevin O'Donnell asked how long the review process was for the Shelly Square Shopping Center. Mr. Hagey indicated he did not know but that was immaterial. Much of the preliminary review was already completed by both the Township Engineer and the developer's Engineer.
- Chip Damiani commented that it would be in the best interest of the developer to comply with the ordinance and work with the Planning Commission to get the approval pushed through. The delays only cost the developer more money in the long run.
- Tom Swaintek inferred that the developer could purposely delay the process to reduce the offer. Mr. Hagey indicated they were required to resubmit all required changes within 45 days.
- Barbara Clemmer asked how much time we would have to accept or reject the changes, to which Mr. Hagey indicated was also 45 days.
- Rick Sacks suggest we have a reverse charge to the developer whenever the resubmissions didn't include all of the changes requested, as other developers have been known to do in the past.
- Mary Anne Poatsy asked what we are afraid of. Mr. Hagey indicated he is not afraid but concerned the unknown could be worse. Mrs. Poatsy indicated that she would like to see other scenarios of what could be done with the property.
- Tom Swaintek felt uncomfortable with the defeatist attitude the Township was assuming by considering the proposal. Mr. Hagey indicated we have to deal with what is on our plate and right now that is the proposal from THP.

- An unidentified resident asked if the plan generally complied with the zoning ordinance. Mr. Hagey indicated to some degree it did, the rest would be dealt with through the Planning Commission review process.
- Sue Hamlin asked who would have the final word on the proposal and was told the three supervisors.
- Mary Anne Poatsy asked if any other alternatives were considered for the open space other than a golf course. Mr. Hagey indicated there was not, since this is what the developer is interested in to enhance his property and encourage the sale of houses.
- Mary Anne Poatsy asked if any study had been performed to support the success of the golf course. Mr. Hagey indicated he felt that would be to the benefit of the developer to secure. Mrs. Poatsy preferred to see the open space be used for ball fields. Mr. Hagey indicated ball fields could not be used because of the natural features constraints.
- Carol Conner questioned if the Supervisors heard from the community that they did not support the proposal would they not accept it. Mr. Hagey replied that it would be impossible to poll everyone's opinion in the township.
- Frank Gormley indicated that he felt we should continue through the same course as we have in the past since the courts have always been favorable to us. He felt the money being offered was a bribe for short cuts. Mr. Hagey indicated they are not asking for short cuts, just to use the open space as a golf course.
- Barbara Clemmer feels most courts today are environmentally friendly, hoping to preserve open space and that would be to our favor and we should not act out of fear.
- Rick Sacks asked if the Township or THP would own the property the golf course is on for the first 35 years. The Township would own the ground and THP would pay 4% of the greens fee to the township in lieu of amusement taxes.
- Barbara Gormley asked if the golf course failed within the 35 years would it go to the Township. Mr. Imms indicated that would be the case unless someone else took over the golf course.
- Sue Hamlin indicated she would not want to live next to a golf course. She would prefer to see wild flowers. She also asked if during the 20 months that Mr. Hagey was working on the negotiations he attended meetings during the time he was being paid by the Township. Mr. Hagey indicated the negotiations had only begun last fall, not 20 months ago, and that most of the six to eight meetings began before he was due to begin his work for the Township.
- Mary Anne Poatsy questioned how a proposal could have been constructed in six to eight meetings. She questioned the due diligence of the negotiations.
- Ted Poatsy read the following prepared statement:

It has been 644 days since this board authorized, in a two/one vote, private talks with the developer THP about a proposed golf course and 175 home development. Ninety-two weeks of talks and negotiations that were done behind closed doors with just one supervisor and THP without any public updates or opportunity for public discussion even though residents did come to township meetings to ask details on this proposal and were given no information. The people of Upper Salford Township have been denied open access to the most important development project in the 266 years of Upper Salford history. Even as an elected representative, I have been deprived of any information regarding talks with THP.

Now that a proposal (that was developed from these secretive meetings between one supervisor and THP) has been made public, the community, having been denied feedback and time to comment in the past, should have the opportunity now to scrutinize the proposal and be able to comment upon, or suggest changes, to the current proposal. It is important that this be done before the Supervisors formally act upon the proposal so that the Supervisors know that they are acting in a manner that best represents the wants and needs of the Township residents.

Therefore, the immediate concern is to get the details of this proposal to the residents of Upper Salford, (those who elected us as their representatives) and then to listen to their comments and opinions so the Supervisors know the residents' point of view before formally acting on the proposal.

It is important that not only does the Board represent the majority opinion of the township residents, but that each Supervisor supports the proposal and can agree unanimously. This proposal is of such magnitude that it will permanently change the demeanor of the township. Therefore, if this proposal is something that the current board of supervisors cannot unanimously agree upon, and most importantly, is one which does not represent the majority opinion of the residents, then this board should do the right and honorable action and either continue open discussions to reach a unanimous decision or table the issue altogether.

To this end, I URGE my fellow board of supervisors the following:

1. That the Upper Salford Planning Commission reviews this proposal and voices their opinion and recommendations.
2. That all residents be given a free copy, either electronically or physically, of this proposal for their review and information and be given the opportunity to voice their opinions.
3. That the Board of Supervisors establishes a Blue Ribbon Review Committee to conduct an independent and complete review of the THP proposal. The review should be comprehensive, and include the following:
  - a. an assessment of the impact the proposal may have to our resident's quality of life and the financial risk of all parties in this proposal,
  - b. An evaluation of the financial statements of the developer to ensure any agreement can be met (THP should make available all financial statements so financial viability can be completed.)
  - c. an investigation of previous agreements between THP and other municipalities to determine if THP has honored other commitments to other municipalities (THP should make available all past municipal deal consummated so that risk assessments and performance evaluation can be completed), (Harleysville Fire Company has not been paid a promised \$450,000 for their new ladder truck by THP according to the Harleysville Fire Company Chief),
  - d. an evaluation of the long term viability of a builder/developer to manage any long-term commitment to operate a golf course,
  - e. And, any other critical concern voiced by the public.

I recommend the following individuals as the foundation of such a review:

- Mark Hosterman, Esq – Josie Lane, Woxall
- Sanford Alderfer – Shelly Road, Harleysville
- Ken Vanluvanee – Spring Mount Road, Schwenksville
- Margaret Lee Clark – Salford Street, Salford
- Margaret Bickle – Old Skippack Road, Salfordville
- Chris Bean Schwenksville Road

If the Board of Supervisors is not inclined to establish formally a Blue Ribbon Committee of Residents, I will ask these people to independently review this agreement and advise me of their findings before any

vote on this proposal. I hope that the township will embrace this group and give them any and all information to independently evaluate this agreement.

Since the agreement has taken 644 days, (nearly two years), I would ask that the people have at least 45 days to review this agreement and make comments to the Supervisors and the Blue Ribbon Committee. Then, the Blue Ribbon Committee should have at least 120 days following public comments to meet and do their research and form their recommendation to the Board of Supervisors. Additionally, I want to obtain all information this Board and the Blue Ribbon Citizens Committee needs to evaluate this proposal.

- Karl Ifert questioned the selection of residents for the Blue Ribbon Team mentioned in Mr. Poatsy's statement. Mr. Poatsy invited anyone in the Township to join the team.

During the review of the bills and receipts, Mr. Poatsy questioned the Township Solicitor why he hadn't included his preparation of the THP presentation in his report and asked that from now on Mr. Imms provide a monthly written report.

On a motion made by Mr. Gular and seconded by Mr. Poatsy, the bills for the month of August totaling \$93,841.40 were unanimously approved to be paid.

The receipts for the month of August totaled \$52,367.19.

The Treasurer's report noted that as of August 14, 2007 the books balanced: assets totaling \$3,255,038.99, liabilities totaling \$978,160.46 and total liabilities and equity totaling \$3,255,038.99.

On a motion made by Mr. Poatsy and seconded by Mr. Gular, the minutes from the July 10, 2007 Board of Supervisors meeting were approved as amended with a vote of two to zero with Mr. Hagey abstaining.

During public comment, Clift Marks questioned what the Zoning Officer is doing about a neighbor of his whose yard is becoming a junk yard. Mr. Hagey indicated he would have to discuss that with the Zoning Officer as he was not aware of what action was being taken.

Mrs. Poatsy asked what Mr. Gular's opinion of the THP proposal was, to which he responded he had no comment.

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Susan Rosato  
Assistant Secretary