

January 7, 2008
Salford, Pennsylvania

The re-organization meeting of the Upper Salford Board of Supervisors was brought to order by Supervisor Hagey at 7:30 PM. Messrs. Poatsy and O'Donnell were present.

For the purposes of appointing a chairman and vice chairman the meeting was turned over to Solicitor Imms.

When asked for nominations, Mr. Hagey motioned to appoint Kevin O'Donnell as chairman for 2008. The motion died for lack of a second.

Mr. O'Donnell motioned to appoint Mr. Poatsy as chairman of the Board of Supervisors for 2008. The motion was seconded by Mr. Poatsy. The vote carried unanimously.

Mr. Poatsy motioned to appoint Mr. O'Donnell as vice chairman of the Board of Supervisors. The motion was seconded by Mr. O'Donnell. The vote carried unanimously.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, Dorothy Terhune was unanimously appointed as township secretary and assistant treasurer.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Susan Rosato as township treasurer and assistant secretary.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Robert Hickson as zoning officer.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed the Law Office of Stephen P. Imms Jr. as the township solicitor.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Michael Reinert as the township engineer.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Roger Priest as township building inspector.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board appointed Richard Sacks to serve on the Planning Commission until 12/31/2011 when the term expires. The vote carried 2 to 1 with Mr. Hagey abstaining.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously appointed Kenneth VanLuvanee to serve on the Park Board until 12/31/2010 when the term expires.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the board unanimously appointed Linda Lewis to serve on the Zoning Hearing Board until 12/31/10 when the term expires.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously appointed Christian Bean to serve as an alternate member of the Zoning Hearing Board until 12/31/10 when the term expires.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Stephen P. Imms, Jr. as the representative to the Board of Trustees for the Indian Valley Library.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Mr. Poatsy as a representative to the Indian Valley Task Force.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, Mr. Poatsy was unanimously appointed as the representative to the Upper Salford Historical Society.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Mark Krupp to serve as Chairman of the Vacancy Board.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Mr. Poatsy as the representative to the Indian Valley Chamber of Commerce.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously reappointed Lori Smith as the delinquent tax collector for light taxes for Upper Salford Township.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously reappointed the firm of Berkheimer Associates as the delinquent per capita tax collector for Upper Salford Township.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, Marty Lynch was unanimously appointed road superintendent after confirmation from the Township Solicitor that the position need not be held by a township supervisor.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously certified Mr. Poatsy as the supervisor delegate and Susan Rosato as the non-supervisor delegate to the State Association's annual convention to be held on May 11th to the 14th of this year.

On a motion made by Mr. Poatsy and seconded by Mr. Hagey, Kevin O'Donnell was appointed as the Emergency Management Coordinator and Robert Hickson as the assistant coordinator for Upper Salford Township. The vote carried unanimously.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell the board appointed the elected auditors to perform the audit of the township accounts for the 2006 fiscal year. The vote carried 2 to 1 with Mr. Hagey voting nay.

On a motion made by Mr. Poatsy and seconded by Mr. Hagey, the board unanimously reaffirmed the banking institutions to be used for township funds for 2008: for the record, Mr. O'Donnell noted that he is a less than 1% stock holder for Harleysville Savings Bank. According to the Solicitor this presents no conflict of interest.

Harleysville National Bank
Harleysville Savings Bank

PLGIT
Invest
Union National Bank
Sovereign
Commerce
Union Federal of Indianapolis
State Farm Bank

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously reappointed the Sewage Study Commission composed of the Board of Supervisors, the Planning Commission, Township Secretary and Assistant Secretary.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the board unanimously appointed Mr. Poatsy and John Giannini as representatives to the Indian Valley Regional Plan.

On a motion made by Mr. Poatsy and seconded by Mr. Hagey the board unanimously reappointed XPAND as the delinquent real estate tax collector for Upper Salford Township.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the board unanimously gave each employee a 3.5% increase in salary across the board effective 1/1/08.

	New Rate
Susan Rosato	\$20.38
Dorothy Terhune	\$21.20
Robert Hickson	\$28.64
Harry Gourley	\$21.77
Marty Lynch	\$23.52

It was the consensus to keep the rates for seasonal employees (i.e. snow plowing) at \$18.58 an hour with time and a half to be paid for work other than normal hours of 7 to 5.

On a motion made Mr. Poatsy and seconded by Mr. O'Donnell the board unanimously agreed that the benefits for employees remain the same in 2008 as in 2007.

The report from the State police noted 62 incidents for the month of December 2007: 17 accidents, 3 assaults, 1 burglary, 1 trespass, 1 false alarm, 3 requests for assistance, 2 thefts, 1 traffic violation and 33 miscellaneous items.

The Upper Salford Fire Police responded to 23 emergency calls in December 2007. They attended 1 special service, the Santa Claus Run on December 22nd.

The Green Lane Ambulance service responded to 11 emergency calls in Upper Salford during December 2007, with a total of 90 calls year to date.

The Planning Commission met on January 2nd and reviewed: Shelly Square sketch plan for a carwash and convenience store; a 2 lot subdivision plan for Atlantis Properties on Potato Road; preliminary plans for Bateman on Salford Street; In addition, they reviewed a letter from the Zoning Officer relating to improvements proposed for the Sprint cell tower on Hendricks Station Road. The permitting process does not need additional reviews by the Planning Commission.

The Zoning Officer issued 2 permits during the month of December 2007. He spent a total of 19 hours in zoning related matters.

The Park Board did not meet in December. Their next meeting is scheduled for January 22, 7:30 PM.

The Road Superintendent's report for the month of December noted the following items: removed trash from parks, repaired and cleaned equipment, snow & ice removal on December 2, 5, 6, 13, 15, 16, 17, 21 & 26, tree limb and tree removals after wind storm, hauled cinders from Gratersford, repaired signs on Potato and Old Skippack Roads, cut and chipped trees on Roskowski Road.

John Caroff, farmer, approached the board requesting to continue working at Orchard Park in the coming year as he did in 2007. He proposes to prune and trim the fruit trees and would prefer to make this a long term agreement with the township. He plans to remove the non-productive trees and plant new ones. The board agreed to take this under advisement.

Norm Kraut, resident landscaper on Grubb Road informed the board that he would like to work at the Orchard and make the improvements needed to make it a productive orchard. He proposes to donate the proceeds back to the Township and Fire Company. Initially he would need the financial backing from the township to assist with the expenses relating to pruning, planting new trees and spraying.

Mr. Poatsy suggested they provide proposals to the Supervisors and Park Board for review and evaluation. The township will need to advertise for these bids. Both Mr. Caroff and Mr. Kraut indicated the need to move quickly on this matter. Work at the orchard should begin in February if they are to accomplish their goals. It was the consensus of the board that Mr. Caroff continue operating at the orchard, possibly sharing the work with Mr. Kraut. Meanwhile, the township could advertise for proposals and begin the process planning for 2009.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board unanimously authorized the solicitor to prepare the advertisement requesting proposals for management and productive use of the fruit orchard known as Orchard Park.

Mr. Richter noted that the trees in this orchard are very old and to replace them would be costly.

Mr. Schneck, Bergey Road, worked with Mr. Caroff last year at the orchard. They worked on certain sections only, leaving other areas inactive. He agrees work must begin early in February.

The Board of Supervisors examined an update on revenues not submitted by Spring Mountain Adventures. The Township is due \$39,347.10 which includes the 3rd quarter figures. Mr. Poatsy indicated that we will continue to monitor the situation and hopefully collect the outstanding monies.

Mr. O'Donnell made comments prior to presenting proposed resolutions for adoption. He thanked the Public for coming out; your presence at these meetings is important to the democratic process. He noted that Mr. Gular was present and along with Mr. Hagey he thanked Mr. Gular for his years of service. Mr. Gular's intentions were always honorable. There are differences of

opinions and through the democratic process we have chosen to move in a different direction. The process is not meant to demean an individual. Mr. O'Donnell has voiced his concerns, and trusts we can struggle through and continue working together for the benefit of all. He pledged to do his best working together for a positive change. Let us not forget the men & women in our Arm Forces who are protecting our rights and lives. We have many opportunities in front of us. We must embrace ideals of democracy and enhance the environment, protect our resources, work with zoning laws and make our community the best it can be. Mr. Poatsy thanked Mr. Gular as well for his many years of service.

Mr. O'Donnell introduced various resolutions for adoption:

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, Resolution #2008-1 was adopted thereby authorizing an inquiry into compliance with the Pennsylvania Public Official and Employee Ethics Act concerning a motion made and action taken by the Upper Salford Board of Supervisors on November 21, 2007 relating to the stipulation agreement with TH Properties. The vote carried 2 to 1 with Mr. Hagey voting nay.

Comments

Mr. Walsh, Woessner Road resident, questioned the intent of this motion. According to Mr. O'Donnell the intent of this resolution is to determine through the State Ethics Board that the action taken by the board was within the regulations of the Ethics Act. Although there will be costs involved, Mr. O'Donnell felt it is well worth the expense to determine if the township is in compliance of the law.

Cindy Gerhard, resident on Salford Station Road, asked what the expense will be to accomplish this. Mr. O'Donnell had no answer. There is no price on following the law. It will be worth the payment to be able to tell the public if the township acted within the law.

Mr. Brown, Old Skippack Road resident, questioned if the findings of the Ethics Board would overturn the stipulation agreement. If found invalid, yes. According to the Township Solicitor, the agreement was submitted and signed in court by Judge DelRicci on December 13, 2007. The next step is for THP to submit the preliminary plan. No submission has been made to date. The 18 month review period starts at that time.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, Resolution #2008-2 was adopted thereby rescinding the action of the Board of Supervisors of November 8, 2005 authorizing a Board Designee and the Township Solicitor to conduct negotiations with TH Properties in any and all matters. The vote carried 2 to 1 with Mr. Hagey voting nay since he has not had a chance to review the document.

Comments

Mr. Walsh questioned why not use the word terminate in place of rescind. Mr. O'Donnell responded that he intent of this resolution is not to rescind the stipulation but to rescind the authorization of any private negotiations with THP in the future.

Mr. Brown strongly objects to the use of "secret negotiations". We the public understood we would be made aware of the details when finalized. We have had much discussion regarding this matter since August 2007. Mr. Brown feels that the board is misleading the public. The negotiations were not secret. Mr. Richter agreed; this all came about in a public meeting in November 2005.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, Resolution #2008-3 was unanimously adopted thereby establishing a policy concerning the setting of agenda for the regular

monthly meetings of the Board of Supervisors and for providing for public access to the Board of Supervisors.

Comments

It was the consensus of those present that the township web site be made known to the public through various mediums. This will let the public know what issues will be discussed at the various township meetings. The Board hopes to encourage more participation in township meetings.

Mr. Brown challenges the Board to look into important issues the township is facing rather than the legality of past actions. We have serious sewage problems throughout the township that needs to be addressed. If the TH proposal is shot down how will the resident be able to afford this cost? Mr. Poatsy said there is much work to be done and the 537 Plan is among the issues.

Mr. Richter asked when the 537 Plan would be completed. Mr. Poatsy indicated that work will continue at the Joint meetings.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, Resolution #2008-4 was adopted thereby approving the hiring Representative Kate Harper and Timoney Knox LLP to advise the Board on further action to appeal the order approving the stipulation of settlement or other measures to disapprove the settlement entered into with TH Properties on the Normandie development. The vote carries 2 to 1 with Mr. Hagey voting nay.

Comments

Sharon Haldeman, resident on Bergey Road, questioned if this action will cause additional legal burdens for the township. Mr. Poatsy indicated that all they are requesting is legal counsel at this time.

Mr. Walsh asked if an hourly fee has been established. Yes, \$125.00 an hour.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the bills for the month of January totaling \$114,771.64 were unanimously approved to be paid.

The receipts for the month of January totaled \$42,711.11.

The Treasurer's report as of January 7, 2008 is as follows: total assets \$3,061,891.13; total liabilities \$963,878.95; total liabilities and equity \$3,061,891.13.

Public Comment

Tom Brown questioned how the tax increase of 2004 was used. He understood it was for open space. Mr. Poatsy said it went into the general fund and was used on roads and for other township items. This needs to be looked at and resolved. We have a chance now to obtain \$658,000.00 for open space purchases from the Montgomery County Open Space program. We need to put up 20% of the price; county will contribute 80%.

As for purchases, Mr. Poatsy indicated that we are looking for a "willing seller". Natural Land's Trust is obtaining the development rights to the Old Goshenhoppen Church land near the picnic grove. Perhaps we could assist in making this a reality by contributing some of our open space funds to them. Natural Land's Trust has labeled Upper Salford a "rural resource area of the county".

On a motion made by Mr. Poatsy and seconded by Mr. Hagey, the minutes of the 12/11/07 meeting were approved as written. The vote carried 2 to 0 with Mr. O'Donnell abstaining.

Public Comments

Mr. Richter questioned if the 537 Plan will be brought up at next Wednesday's Joint meeting. Not at this time. We are waiting on information from our engineers on the alternate systems and answers for Mr. Sacks' water questions. We will act on the best interest for our community. We need to do a thorough job.

Cindy Gerhard questioned Mr. Poatsy on why he directed residents not to get their water tested during the 537 Plan study. Mr. Poatsy felt the whole township should have had a free water test not just residents in certain areas. The tests are not the answer on how to fix any problems. Other problems should be look at; he felt the tests were deficient and not honest with the residents. Not all the details were investigated. That's why I declined to have my water tested. It was not a water test, it was a sewer test. Mrs. Gerhard understood the test were a DEP requirement for the 537 Plan. According to Mr. Imms, Solicitor, they (TEI) had a great positive response from residents during the testing phase. He is not aware of any deficiencies.

John Giannini, Planning Commission member, gave his support for the Resolutions adopted tonight. He commented that those residents in favor of the Stipulation Agreement were jaded into believing that the THP agreement would solve all our problems. Mr. Giannini found numerous problems and errors within the agreement. He is still waiting for answers to his 46 questions and comments.

Mr. Brown felt that developers should pay for the infrastructure. We should move forward and not get mired in legal items.

Mr. Richter asked what the township will do if THP goes away and DEP demands we put in sewers. No response, except come out to the meetings.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the meeting was adjourned at 9:20 PM. The vote carried 3 to 0.

Respectfully submitted,

Dorothy Terhune
Secretary