

**APPROVED**

March 11, 2008  
Salford, Pennsylvania

The regular March meeting of the Upper Salford Board of Supervisors was brought to order by Chairman Poatsy at 7:35 PM. Messrs. O'Donnell and Hagey were present.

The report from the State Police was presented by the newly appointed Commander of the Skippack Barracks. Commander David Buckley introduced himself and explained to those present that he will do all in his power to protect the citizens of Upper Salford Township. The report noted a total of 57 incidents during the month of February 2008: 1 harassment, 1 assault, 4 burglaries, 19 traffic incidents, 1 missing person, 5 requests for assistance, 3 thefts, 1 suspicious vehicle and 22 miscellaneous items.

The Upper Salford Fire Company responded to a total of 25 incidents in February 2008, 34 calls year to date. Chief Gwiazdzinski thanked the Board of Supervisors for all their assistance by allowing the township employees to removal snow & ice from the firehouse parking lot during storms.

The Upper Salford Special Fire Police Unit responded to 25 emergencies in February with a total of 51 persons in use. There were no special services at this time.

Lower Frederick Ambulance Corps reported 25 calls in Upper Salford during February and responded to 16 calls at the ski lodge.

The Green lane Ambulance Service had 46 calls in February, 9 of which were in Upper Salford Township. Their volunteer staff donated 322 hours of service year to date.

The Planning Commission met on March 5, 2008 and reviewed: 2-lot subdivision for Atlantis Properties, 2-lot minor subdivision for Campbell on Old Skippack Road, an 8-lot subdivision for Bateman on Salford Street. Both the Atlantis plan and the Bateman plan were recommended for approval.

The Zoning Officer issued 5 permits during the period from February 11 through March 7, 2008. He spent a total of 33.5 hours in zoning related matters.

The Park Board met on February 26 and discussed: resolving the Soccer Club's plan and contract, reviewed survey results, discussed the use of the Habitat Garden and the formation of specific goals for the next 5 years. Park Board would like to organize a Community Clean-up Day in April.

Solicitor's report covered the month of February 2008: Attended township meetings at the request of the Board of Supervisors, worked on and reviewed land development and subdivision matters, consulted staff regarding bid/contract specifications, minutes and SFSD systems and consulted with special counsel regarding zoning enforcement issues.

The Road Superintendent's report took in the period from February 9 through March 8, 2008: snow & ice removal on February 10, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 27, 28 and March 1, installed barricades on Long Mill & Clemmers mill Roads during threats of flooding,

worked on documentation of drainage and water run-off problems in township, made repairs to several mail boxes, removed trash from parks, patched holes on various roads in township, cleaned out grates and drains on Country View and Winter Lanes, cleaned and repaired equipment and attended a Public Works meeting on 2/27/08.

The Treasurer's report as of March 11, 2008 noted the following amounts: total assets-\$3,057,241.65, total liabilities-\$892,999.57, total equity-\$2,164,242.08. Total liabilities and equity equal \$3,057,241.65.

The Indian Valley Regional Plan did not meet in March; their next meeting is scheduled for April 1<sup>st</sup>, 7 PM.

The Planning Commission recommended that the Board of Supervisors grant preliminary approval to the Atlantis Properties subdivision **on Potato** Road plan #P02-0765, dated September 10, 2007, revised January 23, 2008, with the following waivers:

605. A – sidewalks

605. L – curbs and storm sewers

606. A.4 – road improvements, widening and shoulders

608 – Partial waiver for stormwater controls

612. D – street trees

612. E – partial waiver for filtering buffering

With the following conditions:

- Additional buffering not shown on the plan will be placed between Lot 2, which is the flag lot, and the Cardona property at the discretion of the Township Engineer to screen the existing dwelling unit on the Cardona property
- Compliance with the Township Engineer's letter dated February 13, 2008, including but not limited to documentation of satisfactory inspections of the existing sewer system and the financial securities
- Compliance to Act 167
- Documentation indicating notification of the buyers of lots 1 and 2 as to the existence and the intent to build a trail on those properties

Mr. Canavan, representing Atlantis Properties, volunteered a contribution of \$41,000.00 in lieu of granting the aforementioned waivers to be used by the township for such purposes as determined by the Board of Supervisors. It was the consensus of the Board of Supervisors to accept the donation and add the amount to Resolution 2008-6.

On a motion made by Mr. Poatsy and seconded by Mr. O'Donnell, the Board of Supervisors unanimously approved Resolution 2008-6 thereby approving the application of Atlantis Properties, L.P. for preliminary plan approval and imposing conditions on that approval.

Approval for the Bateman subdivision was postponed until April at the developer's request.

Mr. O'Donnell updated the public on "READYALERTPA", a citizens warning notification system utilizing text messages over cell phones, e-mails and pagers. The purpose is to provide Montgomery County residents warning for emergency situations if they sign up for the system. This emergency management system will be publically announced and additional details will be provided in the beginning of April 2008.

Sealed bids were duly advertised for the lease and maintenance of Orchard Park on Perkiomenville Road. One bid was submitted by John Caroff of Quakertown, PA. Due to the specification details it was the consensus of the Board of Supervisors to table their decision until the proposal was examined for completeness.

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board unanimously tabled action on awarding the bid until April 8, 2008.

Sealed bids were duly advertised for road materials. The following bids were received and opened:

M & M Stone, Inc.                      Telford, PA

Highway Materials, Inc.                      Blue Bell, PA

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board unanimously awarded the bid to supply the township with Superpave mixtures and crushed stone from April 1, 2008 to March 31, 2009 to Highway Materials, Inc., the overall low bidder.

Sealed bids were duly advertised for the installation of a solar photovoltaic roof mounted system for the fire station roof in order to generate solar electricity. One bid was received and opened.

SunTechnics                      Paoli, PA

On a motion made by Mr. O'Donnell and seconded by Mr. Poatsy, the Board of Supervisors unanimously accepted Sun Technics' bid in the amount of \$56,000.00 conditioned on verification that all grants obtained by the township are received prior to installation.

Representatives of the Philadelphia Folk Song Society informed the board the past years, especially 2007 were financially poor and the Society took a loss. Looking toward 2008, they proposed to calculate the donation to the fire companies using a new formula. Each ticket (those noted in the Agreement) will carry a \$2.00 community surcharge that will go directly to the fire company's donation and open space projects. The Supervisors agreed that the concept is feasible and they would do all possible to assist in making the 2008 folk festival be successful for all involved. The location of tents mainly food tents should be resolved well in advance of the festival and with members of the fire company. All agreed. The Folk Festival representatives will return on June 10<sup>th</sup> to discuss other changes in the Agreement.

On a motion made by Mr. O'Donnell and seconded by Mr. Hagey, the Board of Supervisors unanimously accepted the proposal to have a \$2.00 per ticket charge for 2008 designated as "Upper Salford Community Support Donation".

Tom Burgmeir, Assistant Chief for the Upper Salford Fire Police requested to assist with traffic and crowd control on April 26<sup>th</sup> during the Perkiomen Valley Strides 5K Race.

On a motion made by Mr. Poatsy and seconded by Mr. Hagey, the Board of Supervisors unanimously approved the Fire Police assisting with traffic and crowd control during the Perkiomen Valley Strides 5K Race on April 26<sup>th</sup>.

Mr. Buckman, owner of Spring Mountain Adventures, approached the board requesting that the lease exemption relating to lift ticket sales of \$500,000.00 be made a permanent part of his lease. He is looking into other means to generate revenue. Adding a surcharge to each ticket was suggested or charging a facilities fee.

Mr. Buckman is actively researching energy wind power and would like to install wind mills on the mountain. It was the consensus of the Board of Supervisors that wind power was favorable but not at the mountain due to appearance. A solution is necessary. More research will be done and Mr. Buckman will return in April for additional discussion on suggestions made.

Mr. Mininger and Pastor Damiani approached the board to schedule a one day gospel concert at Spring Mountain on September 6<sup>th</sup>. The Board suggested they follow the guidelines formulated last year when another concert was scheduled but did not come off. The agreement contained all issues relating to traffic control, security, advertisements, drug/alcohol consumption and a 10% surcharge. They agreed and will keep the Township posted on the proposed concert.

Mr. Poatsy informed those present that the township along with the Park Board is considering holding a Community Clean-up Day. One group is planning a road/park clean-up day on April 26<sup>th</sup>. If possible we could participate with them. Look to the WEB page for future information.

The Fire Company has requested assistance from township employees to assist with driving fire trucks during the day. Mr. Poatsy indicated that our road crew has been informed and it is up to them to participate. Mr. Weller, resident, felt it was a good idea and the community would benefit.

Mr. Imms briefed the public on the current court challenge relating to the township authorizing special council, Solicitor Catherine Harper to file an appeal from the decision of a prior board's TH Property stipulation. Solicitor Harper filed a 1925.B Statement to reverse the decision made by Judge Del Ricci and will claim the court erred in approving the action of the previous board. Currently we are awaiting the opinion from the Lower Court on the issues of the 1925 B Statement. Once this is submitted, the case will then move to the Commonwealth Court for deliberations. Mr. Imms will keep us informed on this matter.

Mr. Hagey questioned if we have received anything from the opposition. Nothing has been filed by THP.

Mr. Rosato requested an on-going cost analysis relating to this filing. How does this filing affect THP's submission that will come before the boards next month? The property will be developed at some time and at the moment we have many good things that will result from the stipulation. At this time, to hook up or not hook up to public sewer is the board's choice. The 537 Plan is a major concern in this matter. We should move ahead. Is it worth it to spend all this time and expense?

Cindy Gerhard asked how this process will affect THP and the township's obligation with the agreement. Mr. Imms responded that there is no good answer; the appeal will either eliminate the agreement or compel us to fulfill the agreement. Mrs. Gerhard is concerned about the expense the township is obliged to cover with this litigation. We could end up with development minus the monies being offered to the township and Fire Company.

Mr. O'Donnell has been contacted by several residents who have expressed concern relating to resolving of the Salford Station Road Bridge closing. Now the question of ownership has to be resolved; is it the County's, State's or Township's responsibility? Mr. O'Donnell inspected the bridge and has reviewed the file containing the inspection reports. The structure is dangerous and should have been closed for safety reasons. Ownership of the bridge is the main stumbling block to making the repairs. Repairs are beyond the scope for the township to make.

Mr. Imms has done extensive research on the subject and has not arrived at a definitive answer. The bridge was replaced in 1970 by the Reading Railroad Company, indicating to some that the bridge was part of the County's purchase with the Perkiomen Trail. Additional research is

needed to determine legal obligation of ownership. Comments from residents present were to tear it down and grade the area. It was the consensus that we need answers as soon as practical.

Mr. Damiani approached the board regarding the finalization of his subdivision improvements for his project on Hendricks Station Road. The only improvements remaining are the individual stormwater management facilities for each unit and the landscaping plantings. A waiver was requested from Section 612 for the remaining plantings. According to the Township Engineer, the site contains a significant amount of vegetation and does not appear to need the amount of plantings depicted on the subdivision plan. It was the consensus of the Board of Supervisors that the agreement made by Mr. Damiani and the Township is a legal obligation that cannot be ignored. However, a donation to plant trees in another location in lieu of this requirement could be explored. He was directed to work with the Township Engineer and arrive at a figure all could agree on, or decide to install the plantings. Mr. Damiani was leaning toward installing the plantings on the site.

A motion was made by Mr. O'Donnell and was seconded by Mr. Hagey authorizing the payment of March's bills in the amount of \$76,145.73. This amount does not include Mr. Hagey's pension payout. The vote was unanimous.

The receipts for the month of March totaled \$170,728.82.

On a motion made by Mr. Hagey and seconded by Mr. O'Donnell, the minutes of the 2/12/08 meeting were unanimously adopted to reflect the addition of Cindy Gerhard's missing comments from the 1/7/08 meeting.

Comments made at this time related to how Solicitor Harper was appointed and the question of the matter not being in compliance with the Sunshine Law in light of her invoice billing the township for work on January 7<sup>th</sup>. Mr. Poatsy said she was contacted on that date after the meeting and she began her work at that time. No reason to question her ethics. Mr. O'Donnell is comfortable with her billing. Mr. Hagey questioned it indicated it appears she was contacted before the January 7<sup>th</sup> meeting and should be looked into as a violation of the Act.

Mr. Hagey made a motion to have Solicitor Harper sign and provide a notarized statement relating to hours she worked on January 7, 2008. This motion died for lack of a second.

Mr. Rosato feels we should all move forward for the good of the township. The stipulation should remain as it will provide the township with the funds to fix the many existing sewage problems that the township simply cannot afford. This would put a huge burden on our community. We cannot afford to lose the three million dollars or more that THP is willing to provide. I implore the Board to all work together for the good of the community and the future of our children.

The meeting adjourned at 11:35 PM.

Respectfully submitted,

Dorothy Terhune  
Secretary