HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, May 22, 2006
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:40PM and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman
Barbara A. Salvadore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairman McIlhinney announced that the Board met in Executive Session prior to this meeting to discuss real estate and legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the Minutes of the April 10, 2006 Supervisor's Meeting – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the April 10, 2006 Supervisor's meeting, as written. There was no public comment.

C. APPROVAL OF BILLS LIST – Chairman McIlhinney presented the Bills List dated May 23, 2006, with General Fund payments in the amount of $130,024.30, Fire Fund payments in the amount of $22,797.50, Park and Recreation Fund payments in the amount of $2,046.50, State Highway Aid Fund payments in the amount of $2,123.65, and Escrow Fund payments in the amount of $66,530.18; for a grand total of all payments in the amount of $223,522.13.

Supervisor Salvadore questioned the bill on page 5 in the amount of $6,090.00 for "cleaning allowance." Mr. Bennington explained that the payment is for a once per year uniform cleaning allowance per the Police Contract.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated May 23, 2006, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Richard Bevilacqua Subdivision Request – Mr. Neil Stein, the applicant's legal counsel, was in attendance to present the request. The applicant recently obtained certain relief from the Zoning Hearing Board for a proposed six lot residential subdivision located along Hilltown Pike. The plan proposes on-lot septic systems, however it is Mr. Stein's understanding that the Cutler Group will be constructing a sanitary sewer treatment plant to service the nearby Reserve at Hilltown/Hilltown Ridge Subdivision. The applicant is requesting the extension of public sewer from the nearby Cutler development to serve this site. During the sketch plan phase of this project, the applicant was told that the sewage treatment plant is not intended to serve other properties. The extension of the sewer from the Cutler site to the Bevilacqua property would be through Elizabeth Way. Mr. Wynn noted that Planning Modules have not yet been submitted for the site. Chairman McIlhinney felt it was important to verify that the site would perk for six lots to insure that there would be no density bonus for connection to public sewer versus on-lot systems. The applicant was agreeable to providing soil test results signed by the Bucks County Health Department verifying the possibility of septic systems for six lots. Solicitor Grabowski suggested that the applicant contact the Hilltown Authority to determine if capacity exists. Discussion took place.

As a result of the domino effect of the extension of public sewer approval on an incremental basis, Supervisor Manfredi is not comfortable with granting approval of this request without having something in writing establishing what the applicant is offering with respect to Planning Modules. Further, he felt the request should be subject to review by the Township Solicitor and HTWSA. The applicant agreed to provide the requested information.

2. Hilltown Crossings Shopping Center – Mr. Marc Kaplin, legal counsel for Mr. Steve Wolfson and Mr. Tom Verrichia, the owners of the Hilltown Crossings Shopping Center, was in attendance to present their sketch plan proposal for the 87,000 sq. ft. expansion of the Wal-Mart into a Super Center Wal-Mart. Wal-Mart intends to expand their building by approximately 87,000 sq. ft. to approximately 210,000 sq. ft. total, which is their current typical prototype size. To that end, Mr. Kaplin advised that the applicant has purchased an additional 4.5-acre parcel to the south of the site. It is anticipated that the detention basin will be relocated and transformed into a water quality basin in accordance with the current regulations. The parking lot will also be expanded to include an additional outparcel for a restaurant. The proposal complies with all setbacks, side yard areas, and bulk requirements of the Ordinance. Mr. Kaplin believes that there may be a variance required due to a small pocket of wetlands that is not permitted to be disturbed. Under the Federal and State guidelines and regulations, however the applicant could fill those wetlands because they are not significant. There is also an area of what the applicant believes would most likely meet the definition of

"woodlands" according to the Zoning Ordinance, for which a zoning variance would be required.

During discussions with the Township staff, Mr. Kaplin noted that there was criticism about the existing circulation pattern of two areas of the shopping center – one near the outparcel containing the bank and one to the rear of the site near the Fashion Bug store. He noted that there are a series of exit drive aisles flowing into the main drive aisle, and due to the acute angle in one area, pulling into the main drive aisle is uncomfortable and perhaps unsafe. Similarly, there are four open drive aisles that create an area of congestion when entering or exiting the Wal-Mart parking area. The applicant's engineer has proposed centralizing the ingress and egress from the large parking field with one entrance and exit at a 90-degree angle to the through-road so that it will concentrate the traffic flow and provide a more conventional way of pulling into the main drive aisle. Chairman McIlhinney suggested that the applicant also consider the traffic patterns near the existing grocery store, which forces motorists to travel in front of the food store in order to exit the shopping center.

The applicant provided a sketch plan showing the existing woodlands located adjacent to the site in line with the stormwater management basin. There is a 7 ft to 8 ft. high landscaped berm 50 ft. wide with fencing proposed to buffer the shopping center itself from the neighboring residences along Hilltown Pike whose rear property lines abut the shopping center.

Public Comment:

1. Mr. Brian Kline, a concerned resident of Richland Township and a former member of their Planning Commission, felt it was imperative that the Board consider the negative economic impact that Wal-Mart has on local businesses, and on the community as a whole. Since the presentation this evening was merely a sketch plan, Chairman McIlhinney did not feel it was appropriate to discuss economic issues at this time.

2. Mrs. Alice Kachline of Mill Road commented that the Wal-Mart store itself would be more customer-friendly if the main entrance were located closer to what is now the garden center, which she believes would encourage more foot traffic to the strip stores and businesses located on the north end of Wal-Mart. Mr. Kaplin advised that a Wal-Mart Super Store would include two entrances, one of which would be closer to those strip stores to the north and one of which would be closer to the southern edge of the site.

The sketch plan was tabled.

8:12PM – PUBLIC HEARING – Chairman McIlhinney adjourned the regularly scheduled meeting of May 22, 2006 to enter into three advertised Public Hearings, as follows:

1) To consider the adoption of an Ordinance authorizing the execution of a Cable Franchise Agreement with Comcast: Historically, there has only been one cable company in Hilltown Township. The Township entered into a non-exclusive Franchise Agreement with Comcast approximately 20 years ago, with the latest contract to expire shortly. The proposed Ordinance was properly advertised in the Doylestown Daily Intelligencer, with a copy of the Ordinance and the proposed Agreement being available for inspection here at the Township building, at the Bucks County Law Library, and at the offices of the Daily Intelligencer.

Mr. Bennington explained that the Township began negations with Comcast in 2004 via Solicitor Grabowski and the Manager at the time, Mr. Lippincott. Since Mr. Bennington was appointed Township Manager, he was authorized by the Board of Supervisors to procure the services of Mr. Dan Cohen from Cohen Telecommunications, who is an expert in this field and has dealt with Verizon and Comcast in the past. The proposed agreement is a 15-year agreement, with the gross revenue based upon the franchise fee, which is dictated by federal law at a 5% maximum. However, Mr. Bennington noted that in this proposed contract, Comcast agreed that if federal law is amended to authorize a higher than 5% fee, the Township may direct Comcast to pay the higher fee with a written notice only. The franchise fee would continue to be made in quarterly payments and would detail gross revenues. In addition, Comcast agreed that they would provide free basic and expanded basic cable service to Grasse Elementary School, Seylar Elementary School, Our Lady of Sacred Heart School, the Township Building, the Township Maintenance Building, Hilltown Township Water and Sewer Authority, and the Hilltown Fire Company's two stations. High-speed Internet service will also be provided free of charge to the above noted entities, with the exception of the HTWSA building and the Hilltown Fire Company's two stations. Mr. Bennington detailed the remaining portions of the proposed agreement, which is on file at the Township office.

Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi, to **adopt Ordinance #2006-2, authorizing the execution of a Cable Franchise Agreement between Hilltown Township and Comcast of Southeast Pennsylvania, LLC.**

<u>Public Comment:</u>

1. Mr. Bob Grunmeier, chief of the Hilltown Fire Company, noticed that Comcast would no longer be providing free high-speed Internet service to the fire company. He advised that Internet access is required for participation in the National Incident

Reporting System, and for the EMS system. He has been advised that this service would cost $200.00 plus per month for use at both stations.

During the negotiating process, Mr. Bennington noted that Comcast absolutely refused to provide free Internet access to the fire company. The Supervisors directed Mr. Bennington to once again approach Comcast with Mr. Grunmeier's request.

There was no further public comment. Motion carried unanimously.

2) To consider the adoption of an Ordinance amending Chapter 134, Stormwater Management, to provide for and address requirements of Act 167: A summary of both Ordinance amendments was properly advertised in the Doylestown Daily Intelligencer pursuant to the Second Class Township Code. Copies of the amendments have been available here at the Township Building, the Bucks County Law Library, and the offices of the Daily Intelligencer.

Mr. Wynn advised that this first Ordinance would amend the Stormwater Management Ordinance adopted in 2003 to comply with Act 167 requirements relative to the East Branch Perkiomen Creek Watershed. The Watershed Plan was approved by DEP on August 11, 2004, and would amend the Township Stormwater Management Ordinance to meet the minimum requirements of that model Ordinance. It includes some revisions and additions to the Statement of Findings and Purpose of Stormwater Management, revising and adding a number of definitions, providing temperature sensitive BMP's for exceptional value and high quality watersheds, and would provide for specific rate control requirements for the East Branch Perkiomen Creek. Mr. Wynn noted that the current Ordinance as adopted in 2003 did not include any standards for the East Branch of the Perkiomen Creek. Additionally, there are some non-structural project design requirements for sequencing to minimize stormwater impact, as well as water quality and groundwater recharge revisions to the Ordinance, the addition of stream bank erosion requirements, revisions to the basin/berm construction requirements, and revisions to appendixes regarding stormwater facilities, maintenance, and monitoring, stormwater management design criteria that has been revised to be consistent with the Model Ordinance, and stormwater maintenance fund requirements that have been revised in accordance with DEP regulations.

Public Comment: None.

Supervisor Manfredi reminded those in attendance that the Board of Supervisors may be amending this Ordinance again in a few months because the new Model Ordinance to replace the one being adopted this evening, as well as the new Best Management Practices Manual, are now available for public comment and review. Further, he is still

troubled by the infiltration requirements in this Ordinance, when there is no requirement in law for infiltration.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2006-3, amending provisions of Ordinance #2004-04, Code of Hilltown Township, Chapter 134, Stormwater Management, as outlined above.** There was no public comment.

3) To consider the adoption of an Ordinance amending Chapter 134, Stormwater Management, in order to comply with the Municipal Separate Small Storm Sewer Systems (MS4) PADEP requirements.

Mr. Wynn explained that this is a much shorter amendment and is required pursuant to MS-4 Regulations (Municipal Small Stormsewer System Regulations of DEP). Hilltown Township is fortunate enough to be regulated by two aspects of DEP requirements; with one being that it is an Act 167 Watershed Community, and one being that Hilltown Township, because of its population, is considered "an urban community" for stormwater management, which requires it to meet certain MS-4 requirements. Mr. Wynn noted that those two Ordinances, both prepared by DEP, are not consistent. There are some MS-4 requirements that are not in the Act 167 DEP plans. Hilltown Township was notified by DEP that its plan was not consistent with those MS-4 requirements. This includes language relative to standards during earth disturbance and standards for water quality after earth disturbance is complete. Much of the language required by DEP is the statement of their regulations, and imposes no new regulations on behalf of the Township. Likewise, there is an additional section that indicates what discharges may be permitted into stormsewer systems, such as discharge for fire-fighting purposes, irrigation, air conditioning condensation, etc. There are also regulations for prohibited connections, regulations relative to roof drains discharging to infiltration areas or vegetative BMP's where possible, and violations deemed as a public nuisance. Mr. Wynn noted that all of this language, with the exception of Section 134-9, is the exact language found in the Model Ordinance proposed by DEP.

Public Comment: None.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2006-4, amending provisions of Ordinance #2004-4, Code of Hilltown Township, Chapter 134, Stormwater Management Ordinance, as noted above.** There was no public comment.

***Chairman McIlhinney adjourned the Public Hearings, and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 22, 2006 at 8:32PM.**

D. CONFIRMED APPOINTMENTS (Continued) –

3. McGrath Homes – Mr. Hecker, legal counsel for the applicant, was in attendance to seek guidance as to how to proceed with the next step in the process to request re-zoning of the Egly Farm and Hockman Farm property located on Minsi Trail, Rt. 113 and Rt. 313. Mr. Hecker provided a brief background of the proposal, which would require a zoning change of the property in question from Rural Residential to Age Qualified Zoning. Initially, the applicant proposed an overlay zoning, however after consideration by the Planning Commission, the applicant has proposed a stand alone Ordinance, which would be a separate provision within the Zoning Ordinance.

Mr. Hecker requested that the Board authorize the applicant to meet with Township professionals, at the applicant's expense, to review the proposed Ordinance and to address issues that had been raised by both the Hilltown and the Bucks County Planning Commissions. He noted that the current proposed Ordinance, from the applicant's perspective, must be revised. Supervisor Manfredi feels it is imperative that the Board follow the prescribed procedures for a zoning change as set forth in the Zoning Ordinance, and suggested that Public Hearings be held to consider all of the information submitted to this point, and to consider whether or not the Township wants to change that zoning district to permit Age-Qualified Zoning. Mr. Hecker expressed concern with advertising a proposed Ordinance that the applicant knows must be revised.

Supervisor Manfredi asked if what the applicant is proposing would be a Zoning map amendment. Solicitor Grabowski believes that the applicant is asking for two things – the Board's consideration of a Zoning amendment of substantive language within the Zoning Ordinance, and possibly a revision to the Zoning map. He noted that the applicant submitted a revised filing at the end of April, which he has not yet reviewed. Usually when a Zoning change petition is filed, the specifics of the petition is what is advertised for Public Hearing. Solicitor Grabowski believes that what Supervisor Manfredi is suggesting would be similar to a town meeting to discuss the general concept of what is being proposed.

Supervisor Manfredi referred to Article X of the Zoning Ordinance – Amendments and Appeals, which states: (Section 160-107, Power of Amendment) - "The Board of Supervisors may, from time to time, amend this chapter, including the Zoning map.

B. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Board of Supervisors on its own motion, the Township Planning Commission,, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the community development objectives of the Township Comprehensive Plan.

(Section 160-108. Public Hearings prior to amendment)

A. Before voting on the enactment of any amendment, the Board of Supervisors shall hold a Public Hearing pursuant to public notice……"

It is Supervisor Manfredi's understanding that the applicant's amendment is for a Zoning Map change, and that the applicant has submitted everything required in the Ordinance, including the impact statement, etc., all of which has been reviewed by the Township's Planning Commission. Therefore, he wondered if the Township is now at the point where Public Hearings on what the applicant has requested, could begin. Solicitor Grabowski agreed that was correct. A request has been made by the applicant to consider their proposed Ordinance and the procedure that the Township has followed in the past is consistent with the Municipalities Planning Code and the Second Class Township Code, is to consider whether or not the Board even wishes to hold Public Hearings. If it is the consensus of the Board that they are not interested in what the applicant is proposing, Solicitor Grabowski suggested that they save everyone time and money by stating so. If, however, the Board of Supervisors has not yet come to that conclusion, then there is a mandated process that must be followed by which Public Hearings are held where the Board receives testimony from the applicant as to why they feel the Ordinance should be amended, whether it be language of the Zoning Ordinance, or the Zoning Map, or both. It also gives the opportunity, by reason of having the petition and the supporting documentation available for inspection by the public, along with the required advertisement, for Township residents to comment on the proposal. Supervisor Manfredi does not feel it is appropriate to advertise an ordinance for Public Hearing which may be construed as a "done deal" before the Hearing is then held.

Supervisor Salvadore believes that there have been several different plans that have come forward with this proposal, including three or four different maps showing density anywhere from 500 units down to 392 units. She has not yet reviewed the most recently submitted draft Ordinance. From what she understands of the Township's own Ordinances and the MPC, there is no choice but for the Supervisors to schedule a Public Hearing.

Chairman McIlhinney is fully cognizant that the applicant has spent almost two years meeting with the Hilltown Planning Commission and obtaining reviews from the Bucks County Planning Commission. He does not have a problem with the applicant meeting with the Township professional staff since no decisions would be rendered at that point. Chairman McIlhinney has never been of the opinion that the applicant was requesting a change to the Zoning Map, rather he feels that the applicant is requesting consideration of a Zoning Ordinance amendment. Obviously, the result of that is that the map would be changed accordingly if in fact the amendment were to be accepted. Mr. Hecker replied

that the petition submitted to the Township is two fold – one is to request that the Township consider a text amendment that would allow a stand-alone AQC District for an active adult community, and one is that if the text amendment is adopted, to apply that zoning to these parcels in question. The applicant agrees that Public Hearings must be held, however Mr. Hecker wondered if it would be productive to hold those Public Hearings, and then talk about revisions to language after the fact. It would be Mr. Hecker's recommendation that the proposed text amendment first be crafted, with the assistance of the Township professionals, and without any obligation on the part of the Board of Supervisors to adopt the proposed amendment if they do not feel it is appropriate.

Supervisor Manfredi reminded the applicant that any draft Ordinance could be completely changed as a result of Public Hearings. He believes it might be more prudent to hold Public Hearings so the Supervisors can determine whether or not they even want to consider the proposal, and how they might want to direct the Township staff. Lengthy discussion took place.

In terms of constructing a draft Ordinance, Mr. Hecker would be more than happy to do so to try to make it fit within the normal structure of the way the present Ordinance reads. He would like to know whether or not the concept itself is acceptable to the Township, and if so, whether it would be appropriate at this location.

Mr. Wynn is not sure how beneficial a meeting with Township staff would be at this point, noting that the Township Planning Commission is very divided on the proposal. Without direction from the Supervisors, Solicitor Grabowski is not certain what kind of assistance the professional staff could provide. Perhaps the applicant should either agree to proceed to Public Hearings on the petition as it now stands, or to draft an amended version for consideration at a Public Hearing. Solicitor Grabowski has been involved in many Zoning Ordinance revision hearings, and usually, if the municipality does adopt an Ordinance, it is most likely not the Ordinance that was originally proposed; rather it is an evolving document that changes throughout the process.

Public Comment:

1) Mrs. Marilyn Teed of Mill Road feels that if the applicant is willing to pay for the professional staff's time, they should be permitted to meet with them. Over the years, she has always heard that it was the policy of the Board of Supervisors that any developer who wishes to meet with the professional staff can do so if they provide an escrow to cover that cost.

Supervisor Manfredi agreed that he was a part of that Board of Supervisors that encouraged staff meetings, and was in fact the Supervisor who suggested that it be made

a requirement in the Subdivision and Land Development Ordinance, and that the Board of Supervisors be notified at a public meeting so that everyone knew that a staff meeting would be held with developers. This matter, however, deals with the Zoning Ordinance, not the Subdivision/Land Development Ordinance. Mrs. Teed and Chairperson McIlhinney disagreed with that interpretation.

Mr. Hecker confirmed that he would revise the proposed draft amendment to be resubmitted to the Township so that a Public Hearing can be scheduled.

Supervisor Manfredi questioned why the Township must advertise a specific Zoning Ordinance amendment for consideration at a Public Hearing, rather than just the information that had been submitted to date. Mr. Hecker does not feel that it would be wise to advertise a Public Hearing on the current Ordinance amendment, since the applicant is not happy with it in its current form. Discussion took place.

2) Mr. Harry Mason of Morgan Lane commented that if the applicant has submitted new plans and a revised draft Ordinance, they should be reviewed and considered by the Planning Commission first.

Solicitor Grabowski stated that if there is a substantive change from the Ordinance amendment that had initially been submitted, it must first go back before the Planning Commission for review.

Mr. Hecker confirmed that the applicant would revise and draft a new proposed Ordinance amendment for consideration by the Township after the Memorial Day holiday.

4. Mr. Tim Lechner – Stormwater Management Concern – Mr. Tim Lechner of Fairhill School Road expressed concern with the lack of stormwater management engineered for the Township's walking trail that is being constructed through the Fedele Subdivision where he lives. He noted that there is a great deal of runoff from the trail that is affecting his property by dumping water at three locations across his driveway.

Subsequent to discussions with Mr. Lechner last week, Mr. Wynn reviewed the subdivision plans, revisions to plot plans and as-built plans, and Township records. Mr. Lechner's main concern was with the water that flows across his driveway from the upgrade area. Mr. Wynn provided the Supervisors with copies of the Fedele Subdivision Improvement Plan, Drainage Plan, and Plot Plan and As-Built Plan for Mr. Lechner's property, to which several revisions had been made. Mr. Wynn explained that Mr. Lechner's plot plan originally contained a house location and a seepage bed, which was based upon the dwelling size and a very small upgrade area that would drain to an inlet of approximately 8,000 sq. ft. based upon the drainage plan on the Fedele Subdivision. Mr.

Lechner then submitted a plot plan, which relocated the dwelling and included extra revised driveway and seepage pit location, while the seepage pit was basically sized for the same amount of impervious surface. Originally it was the plan for the storm drainage the upgrade area would drain by the contours on the plan down the driveway to approximately the front yard area of the dwelling. There was also a swale proposed between the sidewalk and the seepage pit that would divert upgrade drainage around the seepage pit. Mr. Lechner had provided Mr. Wynn with photographs showing water flowing across the driveway, and inundating the seepage pit. The area that naturally drains to that location is over 4 ½ times the area that was proposed to drain to the seepage pit on the original improvement plan. Therefore, revisions to the house location, grading, and the addition of the turnaround area, which has resulted in 8,000 sq. ft. of area draining to the seepage pit; an increase to over 38,000 sq. ft.

Mr. Wynn noted that the pedestrian path was included on the original subdivision plan, and the cross section of the walking trail was to follow the natural contours by sheet flowing through that property. The study point for the subdivision and Mr. Lechner's lot under the stormwater design was the point of Study 6, which is located on the far corner of the property. In fact, there is a very large drainage area running through the Lechner property. Mr. Lechner commented that the 3,600 sq. ft. trail is dumping runoff onto his driveway. Mr. Wynn agreed, noting that it was designed on the plot plan to drain into a swale area around the infiltration bed. Mr. Lechner stated that there was an infiltration pit at the bottom of his driveway on the original plan, which was approved by the Township, and which he believes was designed incorrectly.

Supervisor Manfredi asked if Mr. Lechner has retained an engineer who could provide a proposal as to how to solve this problem. Mr. Lechner does not believe it is his responsibility to resolve the Township's problem. Mr. Wynn stated that the problem with the tremendously increased drainage area was based upon Mr. Lechner relocating the dwelling site on the original plan, and advised that the contours in that area have not changed, other than topsoil that was placed there by Mr. Lechner. Mr. Lechner explained that he placed that topsoil on his lot in anticipation of these very circumstances. If absolutely no water from the asphalt path drained onto the Lechner property, Mr. Wynn commented that there would still be water crossing the driveway. Mr. Lechner disagreed.

Chairman McIlhinney noted that the revisions to the plot plan and as-built plan by relocating the dwelling was at the behest of the property owner, not the Township. He believes that these runoff difficulties were contributed to and caused by Mr. Lechner. Further, Mr. Wynn advised that Mr. Lechner paved the driveway that was originally proposed to be a stone driveway, which also contributes to the problem. Mr. Lechner argued that the Township, by providing for an additional 36,000 sq. ft. of impervious

surface, is responsible for dumping more water onto his property. Unless there is engineering data to contradict what he sees on the plans and what Mr. Wynn has told the Board, Chairman McIlhinney believes that Mr. Lechner caused this problem by constructing his home in non-compliance with the original plan. Discussion took place.

Mr. Lechner commented that there is an infiltration pit beneath his driveway that is supposed to contain the rainwater coming off the high side of the driveway, not including the seepage pit. Mr. Wynn explained that this area was tributary to the inlets in the infiltration bed, which is 8,000 sq. ft. However because there is no bypass swale as shown on the plot plan, the area that is upgrade of the front yard inlet is almost 38,000 sq. ft., which is the reason the infiltration bed is flooded.

Mr. Lechner presented photographs of the runoff. Mr. Wynn commented that the grades as shown on the original plan called for everything from the right-of-way to drain into the site at that location. He noted that the berm between the trail and the road that Mr. Lechner mentioned is not actually a berm, it is natural ground.

Supervisor Manfredi suggested that Mr. Wynn be directed to inspect the site and provide the Board with a recommendation as to how this issue can be resolved. Mr. Wynn can offer solutions, however he reminded the Board that improvements would be necessary on Mr. Lechner's property.

Mr. Lechner claimed that the Township did not follow its own Ordinance requirements with respect to water containment for anything over 1,000 sq. ft. Mr. Wynn explained that the regulations referenced by Mr. Lechner are those of the current Ordinance, which is not the Ordinance that was in effect pursuant to the approved Fedele Subdivision plan. He noted that the prior Ordinance contained not only exemptions for impervious surface, but also a hold-harmless for impervious surface. Therefore, Mr. Lechner's characterization that the Township is not following its own Ordinances is incorrect. Mr. Wynn stated that the pedestrian path was part of a subdivision plan that was submitted to the Township in July of 2002, prior to the adoption of the current Stormwater Management Ordinance.

Mr. Wynn noted that runoff problems being experienced by Mr. Lechner were compounded by the relocation of the dwelling, which tremendously increased the area that is tributary to the front yard. He believes that by re-grading, Mr. Lechner could eliminate almost all of that area from draining to the front yard area. Mr. Lechner asked why the house relocation was not caught when he submitted building permit plans to the Township. Mr. Wynn commented that the plans submitted to the Township showed a diversion swale between the dwelling and the seepage bed, which was never constructed. The water from the original plan would actually drain down the driveway to a swale, which currently does not exist. Lengthy discussion took place.

Supervisor Manfredi stated that the pedestrian path was installed in compliance with the approved Fedele Subdivision plan, and in compliance with the regulations in effect at that time. Apparently Mr. Lechner's home was not constructed in accordance with the approved plan. Mr. Lechner contended that the pedestrian path is not being constructed in compliance with state and federal laws with respect to handicapped accessibility due to the pitch of his driveway. Mr. Wynn explained that Mr. Lechner's original driveway as shown on the approved subdivision plan had a grade that came down and then back up into the lot so that any water that would result from the driveway pipe overflowing would not flow into the lot itself. However, the driveway that was constructed drains from the edge of the road directly into the lot. When Mr. Lechner was seeking a temporary Use and Occupancy Permit, Tim Fulmer from Mr. Wynn's office had mentioned that the back of the driveway should be raised so that stormwater did not back-flow down the driveway. Mr. Wynn advised that the pedestrian path was constructed to meet existing grade, but had to drop down to meet the driveway, which was lower than the existing grade. That transition Mr. Lechner spoke of was made to match the driveway that was installed. Mr. Lechner commented that there is no other handicap access to the pedestrian path except from his driveway or another driveway along the street. Further, he is concerned about the liability issue if someone were to fall while taking access to the pedestrian path from his driveway. According to the plan before the Board this evening, Chairman McIlhinney noted that there appears to be a flat entrance from Mr. Lechner's driveway onto the pedestrian path. He also noted that the pedestrian path is located within an easement, not on Mr. Lechner's property.

The Board of Supervisors directed Mr. Wynn to meet with Mr. Lechner at the site to offer recommendations as to how Mr. Lechner could rectify the problem.

5. Coventry Meadows I and II Plan Modification Request – Mr. Sam Carlo, the applicant's representative, had requested that Telford Borough Authority allow a modification from their standard trench backfill requirement of full stone backfill for sanitary and water trenches within the proposed road rights-of-way. TBA is willing to modify the requirements, with the following conditions:

- Full-time inspection of trench backfill by Wynn Associates, including establishing escrow for same.
- Revise the trench backfill detail to reflect the following –
  a. 6" washed 2B stone under the pipe.
  b. 12" washed 2B stone over the pipe.
  c. 24" 2A modified stone above the 12" washed 2B stone.
  d. Select on-site backfill to road sub-base, placed in 8" lifts. Compaction tested with testing results submitted to Hilltown Township and Telford Borough Authority.
- Acceptance by the Hilltown Township Board of Supervisors.

Discussion took place. The Board of Supervisors was not inclined to modify the trench backfill requirements, and the request was denied.

Mr. Bennington received a call from a resident on Telegraph Road complaining about three test holes that had been drilled on his property late last week, apparently in preparation of the sewer lines being extended. Mr. Carlo assured the Board that he would rectify the problem.

6. Braccia Subdivision Curbing Issue – No one was present at this time.

7. Kirk Tract Waterline Installation Waiver Request – Mr. Robb Gundlach, the applicant's legal counsel, was in attendance to present a waiver request for installation of the waterline for the Kirk Tract Subdivision. Mr. Gundlach advised that the off-site waterline was originally proposed to run through the Toll Brother's site and then down Skunkhollow Road to the Kirk Tract. However the Hilltown Authority requested that the waterline be re-routed down Rt. 152 to Broad Street through the Haines and Kibblehouse property and then down Skunkhollow Road to the Kirk Tract. This alternative waterline route is much more costly to the developer, however it would benefit the existing homeowners along Broad Street who may require public water in the future. As a result of the additional cost associated with the new route, the applicant is requesting that the Board waive the requirement for a full-width overlay, leveling course, and structural paving fabric on Broad Street.

Discussion took place. The Board of Supervisors questioned when the Public Works Department intended to resurface that portion of Broad Street affected by the waterline installation. Mr. Bennington will speak to Mr. Buzby about this issue. Request tabled pending receipt of additional information.

E. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Trampe Sewage Maintenance Agreement (Direct Discharge) – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Trampe Sewage Maintenance Agreement for Direct Discharge System. There was no public comment.

2. Traynor Sewage Maintenance Agreement (IRSIS) – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Traynor Sewage Maintenance Agreement for an IRSIS System. There was no public comment.

3. Kratz Cash Escrow Subdivision Agreement – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Kratz Cash Escrow Subdivision Agreement. There was no public comment.

4. Ashland Meadows (aka: Myers Tract) Sewage Maintenance Agreement – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Maintenance Agreements for the Ashland Meadows (aka: Myers Tract) Subdivision (Lots #48 and #49 Sandmound Agreement). There was no public comment.

F. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Gwen Kratz Minor Subdivision – At their meeting of April 17, 2006, the Planning Commission recommended preliminary and final approval of the Gwen Kratz Minor Subdivision. The approval is conditioned upon completion of all items as contained within the March 28, 2006 engineering review, and approval of the waiver of plan scale as requested by the applicant.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary/final plan approval to the Gwen Kratz Subdivision, pending completion of all outstanding items as noted in the March 28, 2006 engineering review. There was no public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-25, a DEP Resolution for plan revision for the Gwen Kratz Subdivision, to allow two connections to the Telford Borough Authority sewer system utilizing grinder pumps.** There was no public comment.

G. ENGINEERING – Mr. C. Robert Wynn, Township Engineer -

1. Wynnefield Estates Subdivision – Street Light Extension – Correspondence dated April 21, 2006 was received from Telvil Corporation, which requests that two of the streetlights required by the approved subdivision plan not be installed and a capital contribution be donated to the Township. Additionally, the deadline for completion of improvements within the subdivision will expire on June 15, 2006. Mr. Wynn recommended the deadline be extended until September 30, 2006 as dwellings remain under construction. Improvements are guaranteed via an escrow deposit held by Univest National Bank. Discussion took place.

Chairman McIlhinney suggested that the applicant poll the new residents located within a range of several hundred feet of the proposed street lights, to determine whether or not

they are agreeable. Further, he questioned whether the amount of compensation the developer has offered is adequate. Supervisors Manfredi and Salvadore agreed. Once that information is obtained, the Board will discuss the issue at a future meeting.

2. Orchard Hill Subdivision – Sections I, II, III and VI – Maintenance Period – The maintenance period for these phases expires on May 22, 2006. A site inspection and punchlist of miscellaneous items, which require maintenance was forwarded to Heritage Construction Company, Inc. on April 21, 2006. Work has not yet been accomplished on all the punchlist items, though it is underway. The applicant has provided a bond to guarantee the improvements, which was extended to August 22, 2006.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to extend completion of the maintenance period for the Orchard Hill Subdivision Sections I, II, III, and VI until August 22, 2006. There was no public comment.

3. Calvary Church Land Development – Sidewalk Request – Correspondence dated May 11, 2006 was received from Calvary Church requesting authorization to connect the recently constructed sidewalk along Rt. 113 to the front entrance of the site. Mr. Wynn explained that one of the improvements required by this land development was the installation of sidewalk along the entire frontage of the site where curb was previously installed. The applicant is proposing a 6 ft. wide sidewalk from the right-of-way sidewalk into their site. As referenced in an email from Cowan Associates, there is a small swale that appears to affect the sidewalk connection, which will require installation of a minimum 8" pipe under the sidewalk at the low point to carry the water under the new sidewalk.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the installation of the sidewalk extension to the Calvary Church site, as noted above. There was no public comment.

4. Pompei Subdivision – Acceptance Request – Mr. Pompei requested acceptance of completion of improvements at the site located on Seven Corner Road. The punchlist items related to stormwater drainage and driveway entrances are not yet complete. Due to the incomplete items, Mr. Wynn recommended denial of the developer's request.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to deny acceptance of completion of improvements for the Pompei Subdivision as indicated above. There was no public comment.

5. Fedele Subdivision Construction Issues/Status Report – Mr. Wynn provided the Board with a status report of work that occurred at the Fedele Subdivision. The path has been installed and paved, the area within the easement has been raked and hydro-seeded, and the driveway entrances to the Fedele lot, future lot opposite the Lechner's dwelling, and two additional building lots were all paved by Mr. Fedele. Problems do exist with stormwater runoff due to inadequate grading. Discussion took place.

H. NEW BUSINESS:

1. Mr. Bennington announced that the annual Memorial Day flag raising ceremony would take place at 10:00AM on Monday, May 29, 2006 at the Hilltown Civic Park. In addition, the Corporal Robert Mininger memorial plaque and bench will be presented at that time.

2. Correspondence was received from the Perkiomen Watershed Conservancy with respect to the MS4 Partnership Program for municipalities that provides for education and public relations. Mr. Wynn noted that participation in this program would be very helpful and would assist greatly with the MS4 program at a very reasonable cost of $350.00.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the expenditure of $350.00 to participate in the MS4 Partnership Program through the Perkiomen Watershed Conservancy. There was no public comment.

3. Chairman McIlhinney and Supervisor Salvadore, along with Mr. Bennington, attended the grand opening of the First Service Bank located at Rt. 113 and Bethlehem Pike, at which time the chairman of the bank requested the Board's consideration of authorizing the removal of the fence along Rt. 113, which presents visibility and security concerns. Mr. Wynn reviewed the site and determined that shrubs could be planted to replace the fence, in order to buffer headlight glare from the parking area to the intersection. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the removal of the fence along Rt. 113 frontage of the First Service Bank site and to require the planting of shrubs or bushes not to exceed 3 ft. in height, in its place to shield the intersection from headlight glare from the parking area. There was no public comment.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mr. Robert Grunmeier, chief of the Hilltown Township Fire Company, asked the status of the Sunoco Land Development. Mr. Wynn advised that the Planning Commission, at their last meeting, asked Sunoco representatives for a copy of the Hilltown Fire Company's most recent review of the plan. The developer claimed that they sent revised plans to the fire company in October of 2005, but never received a response. As a result, the Sunoco Land Development plan was tabled pending receipt of correspondence from the Hilltown Fire Company. Mr. Grunmeier denied receiving any correspondence from Sunoco last October. Mr. Wynn noted that the applicant was directed to resubmit revised plans via certified/return receipt mail to the fire company for review. Mr. Grunmeier asked if the PennDot review of the Sunoco plan resulted in the fire company losing any additional apron in front of the fire station. Mr. Wynn was not certain.

With the development of the corner of Rt. 309 and Hilltown Pike near the Hilltown Fire Company, Mr. Grunmeier asked if the Board of Supervisors would be willing to meet with fire department officials later this month to review the site to consider creative planning and possible support to rebuild the fire station. Mr. Grunmeier advised that the current building will not provide for the future growth and service of the fire company. The Supervisors were agreeable to meeting with fire department officials.

Further, with the possible expansion of Wal-Mart, Mr. Grunmeier advised that there is new technology available for the ability to install repeaters inside a building that large, which would increase the emergency signal from inside the building to the outside. Currently, there are problems with radio communications from inside the existing Wal-Mart. Discussion took place.

K. SUPERVISOR'S COMMENTS: None.

L. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the May 22, 2006 Hilltown Township Board of Supervisor's Meeting was adjourned at 10:30PM.

Respectfully submitted,
Lynda Seimes
Township Secretary
(*These minutes were transcribed from tape recordings and are not considered official or approved until voted upon by the Board of Supervisors at a public meeting).