

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, December 13, 2010
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:04PM and opened with the Pledge of Allegiance.

Also present: Barbara A. Salvadore, Vice-Chairperson
James C. Groff, Supervisor
Christopher S. Christman, Township Manager
William E. Wert, Asst. Manager/Dir. of Parks, Recreation and Open Space
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board of Supervisors met in Executive Session on the following dates:
 - November 18th and 22nd to discuss personnel issues
 - December 6th to discuss legal and personnel issues
 - Prior to this meeting to discuss legal issues
 - Will also meet following this meeting to discuss personnel issues

2. A Conditional Use Hearing has been advertised for 7:30PM this evening to consider the application of T-Mobile Northeast, LLC for an F6 co-location of 6 antennas onto an existing 140 ft. monopole located at 1531 Hilltown Pike (TMP #15-34-55).

3. The Board of Supervisors meeting originally scheduled for Monday, December 27, 2010 has been cancelled. The Supervisor's Annual Reorganization meeting will be held on Monday, January 3, 2011 at 7:00PM.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the November 22, 2010 Supervisor's Meeting.
- Bills List dated December 14, 2010.
- Financial Statement for November 2010.
- 2011 Fire Protection Agreement for Signature following meeting – Dublin and Hilltown Fire Companies.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to approve and accept the Consent Calendar as noted above. There was no public comment.

D. LEGAL – Mr. Francis X. Grabowski, Township Solicitor –

1. Conditional Use Application Decision – Liberty Towers, LLC (T-Mobile) – On November 8, 2010, a Conditional Use Hearing for Liberty Towers, LLC was held. The applicant requested permission to establish a proposed F-6 Cellular Telecommunications Facility on an 11.49 acre parcel owned by Hilltown Township on Keystone Drive.

Chairman McIlhinney read the following statement into the record “While the Findings of Fact in this document indicate that this is an existing lease, I deny that. It does state that the Hilltown Board of Supervisors has the right to impose reasonable restrictions and conditions on its approval. So if and when this comes before the Board for approval, we can make the restrictions that I think are necessary to proceed with this matter. I think the applicant, Liberty Towers, should acknowledge that it does not, nor did it ever have a lease on the noted property. Further, that the purported lease shown in Exhibit 2 was never seen, reviewed, discussed, or voted upon by the Board of Supervisors at any meeting – public or private. Further, in the event that Liberty Towers LLC Conditional Use application is approved by the Board of Supervisors, use of the property shall be subject to successful negotiations of a lease between the Township and the applicant and approval of same by the Hilltown Township Board of Supervisors.”

Supervisor Salvadore recalls that there is clear language in the adopted Manager’s Ordinance permitting the Manager to negotiate and attend all letting of contracts. She advised that the Board of Supervisors, in Executive Session, did ask the Manager to negotiate a lease for this property.

Motion was made by Supervisor Groff and seconded by Supervisor Salvadore to grant approval to the Conditional Use Application for Liberty Towers (TMP #15-1-98-3) subject to the conditions as set forth in the proposed decision; and to grant approval of the Lease Agreement between Liberty Towers and Hilltown Township, as executed by the Township Manager on June 21, 2010, as authorized by the Board of Supervisors.

Chairman McIlhinney commented that the Lease Agreement was not authorized by the entire Board of Supervisors. Prior to a vote, public comment was heard.

Public Comment:

1. Mr. David Christ of 426 Schoolhouse Road expressed disappointment that a Lease Agreement would be executed for Township-owned property without the opportunity for public comment. He asked Supervisors Groff and Salvadore to reconsider their motion for approval and to listen to the majority of residents who oppose this tower
2. Mr. Corbin Williams of 702 Keystone Dr. agreed that Township residents should be advised of a lease being considered for Township property. He cited recent DEP findings

regarding significant wetlands on the site, which are located in the area proposed for driveway access. Mr. Williams felt there are other, more favorable locations on higher ground and away from residential neighborhoods.

3. Ms. Tawnee Muldowney of 616 Keystone Drive noted that over 200 residents have spoken out in opposition via a petition previously presented to the Board. She believes this tower will devalue homes in the neighborhood and actually presents serious health issues for residents. Ms. Muldowney implored the Board to reconsider their decision.

4. Mr. Earl Smith of 608 Keystone Drive also referred to the 200+ signature petition, and questioned the rationale behind approving this Conditional Use application. Supervisor Groff commented that the proposal is permitted by zoning, and will also be a potential source of revenue for the Township.

5. Mr. Wayne Derstine of Schoolhouse Road recalls that this tower was originally proposed on property located at 629 Schoolhouse Road last year however the plan was eventually withdrawn. He wondered who approached who to change the location.

6. Ms. Gwen Williams of 702 Keystone Drive stated that despite the applicant's testimony about minimal vegetation disturbance for driveway construction, it is her contention that considerable destruction of wetlands would occur. Chairman McIlhinney commented that there would be similar disturbance to that of construction of any minimal width driveway for a normal single family dwelling. He believes that the tower itself would most likely not be that noticeable. Ms. Williams is not convinced that the applicant provided accurate information during the Conditional Use Hearing.

There was no further public comment.

Motion carried – 2:1, with Chairman McIlhinney opposed. There was no public comment.

*****The meeting was recessed at 7:29PM for a short break.**

E. CONDITIONAL USE HEARING - *7:40PM – Chairman McIlhinney adjourned the Supervisors meeting of December 13, 2010 in order to enter into an advertised Public Hearing to consider a Conditional Use application of T-Mobile Northeast LLC for an F-6 co-location of six antennas onto an existing 140 ft. monopole located at 1531 Hilltown Pike (TMP #15-34-55).**

Solicitor Grabowski presided as moderator for this Hearing. The applicant was represented by Mr. Robert Cronin, Esquire, along with witnesses for the applicant – Mr. Bob Jackson, Site Acquisition Specialist, Ms. Sheri Lamphere, Engineer, and Mr. Bassem Iskander, Radio

Frequency Engineer. Ms. Gail McCarthy, court stenographer, was present as well. It was noted that no one requested party status for this hearing.

The applicant, T-Mobile Northeast LLC, proposes to install six telecommunication antennas on an existing 140 ft. monopole tower on the 19.89 acre parcel located along the south side of Hilltown Pike in the RR Zoning District. In addition to attaching antennas at an elevation of 100 ft. above ground elevation, the applicant also proposes to construct three equipment cabinets mounted on a concrete pad within an expanded area of the fenced compound at the base of the tower. As the facility is proposed to be unmanned, no water or sanitary sewer facilities are proposed. The complete application packet, plans, and exhibits are available for public inspection at the Township office.

Supervisor's Comments/Questions:

1. Supervisor Groff questioned the applicant's request for an exemption of Stormwater Management requirements. Mr. Wynn replied that the applicant intends to provide a capital contribution deposit in lieu-of stormwater management facility design/construction in the amount of \$750.00.

Public Comment: None.

Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to grant approval to the T-Mobile Northeast LCC Conditional Use Application for the property located at 1531 Hilltown Pike as noted above, pending satisfactory completion of all outstanding items as noted in Mr. Wynn's review date October 28, 2010. There was no public comment.

*****7:55PM – The advertised Conditional Use Hearing was adjourned, and the regular meeting of the Hilltown Township Board of Supervisors was reconvened.**

F. ENGINEER'S REPORT – Mr. C. Robert Wynn, Township Engineer –

1. Janeczko Land Development Waiver Application- Mr. Ted Janeczko was in attendance to present the plan. Mr. Wynn's review dated December 2, 2010 was discussed. The applicant requests a waiver of land development for a proposed 50 ft. by 60 ft. barn on approximately 11 acres on U. Stump Rd., which was unanimously recommended for approval by the Planning Commission subject to receipt of a Stormwater Management Capital Fee (item #2 of the review). Mr. Janeczko requested that the amount of Capital Fund Fee be reduced to the minimum of \$750.00.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant approval of the Janeczko waiver of land development submission and to

reduce the Capital Fund Fee to \$750.00. There was no public comment.

2. Zoning Ordinance Amendment – Buffer Yards; and Subdivision Ordinance Amendment – Community Facilities, Open Space, Landscaping, and Street Trees – The Planning Commission unanimously recommended approval of both the revised Zoning Ordinance Amendment and the Subdivision Ordinance Amendment. Mr. Wynn advised that both proposed amendments will need to go back to the Bucks County Planning Commission due to some substantive revisions.

Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to authorize sending both the Zoning Ordinance Amendment and the Subdivision Ordinance Amendment as noted above to the Bucks County Planning Commission for final review. There was no public comment.

G. UNFINISHED BUSINESS:

1. FY2011 Budget – Mr. Christman provided a Power Point presentation of the proposed 2011 Budget; a copy of which is available for public inspection at the Township office during normal business hours. The FY2011 Budget consists of a total of twelve funds comprised of 7 operating funds and 5 capital improvement funds. Due to the current state of the economy, both residential and commercial development has slowed considerably in the past two years. As a result, projected revenue from new development projects is lower than in years past and the need to maintain services at current levels has required the Township to increase its millage rate in the General Fund by 2.00 mills. It was also recommended that all Capital Projects and Parks/Recreation Capital Improvements be frozen for 2011.

Prior to discussion, the Board considered the adoption of a Resolution transferring funding from the Operating Reserve Fund to the General Fund.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Resolution #2010-30, establishing the total amount of \$152,000.00 be transferred from line item #95-499-100 of the Hilltown Township Operating Fund to line item #01-396-500 of the Hilltown Township General Fund for the sole purpose of counterbalancing a potential budget deficit resulting from a shortfall in revenue for the FY2011 Operating Budget.** There was no public comment.

Motion was made by Supervisor Salvadore, and seconded by Supervisor Groff to accept the FY2011 Budget as presented this evening. Prior to a vote, discussion took place and public comment was heard.

Supervisor Salvadore recognizes that the next two years will be financially difficult for the Township. She is prepared to accept the budget as proposed this evening with the understanding

that quarterly budget reviews will be required with staff and the Board of Supervisors to continue to find opportunities to either increase revenue or decrease expenses.

Supervisor Groff thanked the staff for their work on the proposed budget. He too believes work must continue with respect to personnel issues such as salary and benefits, and agreed with the suggestion for quarterly budget discussions as the year progresses.

Chairman McIlhinney concurred with a majority of remarks made by his fellow Supervisors, however he does not agree with the approach taken of raising taxes. He believes more consideration should be given to police personnel layoffs. Chairman McIlhinney also thanked the staff for preparing the budget.

Public Comment:

1. Mrs. Andrea Tamburri of Wynnefield Drive stated that both she and her husband are pharmacists who each received little or no salary increase last year. Due to the economic crisis, Ms. Tamburri wondered how she and other residents can afford these taxes when their own salaries do not measurably increase.

2. Ms. Suzanne Muller of Wynnefield Drive asked what the cap for a millage increase without requiring a referendum. Mr. Christman replied that there is not a referendum action under the Second Class Township Code. There is a 14 mill limit for general operations, at which point the Township would be required to petition the Court of Common Pleas to exceed that amount. Mr. Christman explained that the 2 mill increase would equate to an additional \$72.00 per year on an average \$36,000.00 assessed home in Hilltown.

Discussion occurred. Chairman McIlhinney felt it was shortsighted to propose a 2 mill tax increase without taking other cost reduction measures. It was Supervisor Salvadore's opinion that options such as layoffs, closing the Township building one day per week, or other cost saving measures are still up for consideration. Supervisor Groff agreed that nothing is off the table for discussion as far as reducing expenditures and increasing revenues.

3. Mr. Eric Holland of Wynnefield Drive moved to Hilltown approximately 5 years ago, and his taxes have increased steadily each year. He is certain that his assessment is considerably higher than the \$36,000.00 average. Mr. Holland has five children in school district and his salary has not increased for the past two years. Mr. Holland implored the Board to reconsider a 2 mill tax increase, and to creatively pursue other ways to increase revenue.

Mr. Christman explained that Hilltown Township has not increased taxes in six years, while other taxing authorities have.

There was no further public comment.

Motion carried 2:1, with Chairman McIlhinney opposed. There was no public comment.

H. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore wished everyone happy holidays. Chairman McIlhinney wished everyone a Merry Christmas and a Happy New Year.

I. PUBLIC COMMENT: None.

J. PRESS CONFERENCE: There were no questions from those reporters present.

K. ADJOURNMENT: Upon motion by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously, the December 13, 2010 Hilltown Township Board of Supervisors meeting was adjourned at 8:36PM.

Respectfully submitted,



Lynda Seimes
Township Secretary
HILLTOWN TOWNSHIP

(*These minutes were transcribed from recordings, and should not be considered official until adopted and approved by the Board of Supervisors at a public meeting).