

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, April 26, 2010
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:07PM and opened with the Pledge of Allegiance.

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

A. ANNOUNCEMENTS:

1) The Board met in Executive Session prior to this meeting for an informational meeting, and will be meeting in Executive Session following this meeting to discuss Real Estate.

2) A Public Hearing will be held this evening at 7:30PM to consider the adoption of an Ordinance amending Chapter 160, Section 160-23, Use E21 – Adult Entertainment.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the April 12, 2010 Supervisor's Meeting
- Bills List dated April 27, 2010
- Manager's Report
- Solicitor's Report

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

D. PLANNING – Mr. C. Robert Wynn, Township Engineer:

1. RVC Investments Land Development – Final Plan – The RVC Investments Land Development located on Rt. 313 requires action by April 28, 2010. This plan received preliminary approval by the Supervisors on July 24, 2006. The final plan was submitted on October 4, 2007 and was reviewed by Mr. Wynn within correspondence dated October 12, 2007. Subsequently, the Township has received nine letters granting extensions in the time period for

plan review, but no revised plans or documents have ever been submitted. It should also be noted that the applicant's preliminary plan approval is protected against Ordinance revision until July 24, 2011.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to deny the RVC Investments Land Development Final Plan for non-compliance with conditions of the preliminary plan approval as itemized within engineering review dated October 12, 2007, and noting that the preliminary plan approval is protected against Ordinance revisions until July 24, 2011. There was no public comment.

E. ENGINEERING – Mr. C. Robert Wynn, Township Engineer:

1. Hilltown Pub Planning Module Exemption – Discussion took place concerning Mr. Wynn's correspondence dated April 20, 2010 regarding a request for a Planning Module exemption for connection of the Hilltown Pub on Rt. 309 to the Hatfield Township Municipal Authority sanitary sewer facilities.

Mr. Wally Rosenthal, owner of the Hilltown Pub, was in attendance to discuss his request for connection to the sewer line. Via correspondence dated February 19, 2010, the Hatfield Authority advised that they can provide capacity for 25 EDU's "pre-request" into its wastewater treatment facility system, noting that the properties to be served by this request are part of Hilltown Township's current Act 537 Plan. The exemption request, however, is only for the Hilltown Pub property, with a total proposed wastewater flow of 3 EDU's.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff and carried unanimously to authorize the exemption requested by Mr. Rosenthal for 3 EDU's to serve the Hilltown Pub on Rt. 309 with sanitary sewer facilities through the Hatfield Township Municipal Authority via extension of the main and lateral to the site. There was no public comment.

2. Calvary Church MPC Extension Request – Correspondence dated March 29, 2010 has been received from Calvary Church requesting that their multi-phase preliminary land development approval granted by the Supervisors on June 27, 2005 be extended for an additional five years to allow continuance of future phases in accordance with the approved plan. The initial phases of the land development approval included full improvements along the frontage of the site (cartway widening, curb and sidewalk) on Rt. 113 and construction of a new access onto Bethlehem Pike. Future phases are primarily building construction with additional work to be performed on the stormwater management basin. Mr. Wynn recommends that the request be granted noting however that additional stormwater management design revisions may be necessary depending upon PADEP Act 167, MS4, or NPDES revised regulations.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant an extension of an additional five years until 2015 to the Calvary Church

Land Development, as noted above, to continue with the future phases in accordance with the approved plan dated June 27, 2005, noting that additional stormwater management design revisions may be necessary depending upon PADEP Act 167, MS4, or NPDES revised regulations as noted in Mr. Wynn's memo dated April 21, 2010. There was no public comment.

3. Community Development Block Grant (CDBG) Paving Contract – The contract for use of Community Development Block Grant funds for overlay paving of Reliance Road and Summit Street has been received. The agreement requires signature of the Chairman of the Board of Supervisors, which will be accomplished following this meeting. Additionally, the Supervisors must designate the primary and alternate individuals who will be able to execute additional documents as required by the Department of Community and Business Development.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to designate Mr. Christman, Township Manager, and Mrs. Seimes, Township Secretary, respectively, as primary and alternative signatories to execute additional documents required by the Department of Community and Business Development, as specified above. There was no public comment.

4. Univest Land Development Acceptance Request – Correspondence was received from Univest requesting acceptance of completion of improvements for Phase I and II to commence the maintenance period for those two phases. Phase III consists of sidewalk across the Univest frontage of Rt. 113 and additional improvements along the Giant Gas Station/Convenience Store site (Metro Development). It is Mr. Wynn's understanding that there is a disagreement as to the sharing of the cost of improvements between Univest and Metro Development. Ultimately, if Metro does not improve the frontage, Univest is obligated to complete the work. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to deny acceptance of completion of partial improvements under Phases I and II of the Univest Land Development, since Phase III has not been accomplished or scheduled, per Mr. Wynn's memo dated April 21, 2010. There was no public comment.

F. UNFINISHED BUSINESS:

1. Discussion of Hilltown Township EMS Service Areas – Mr. Christman's memo dated April 23, 2010 was discussed. At the Board meeting of April 12, 2010, the Board of Supervisors established the following:

- Four EMS squads would represent the primary dispatch for the Township (Chal-Brit, Grandview, Pt. Pleasant-Plumsteadville, and Souderton).
- A Resolution stating the Board's intent would be drafted in place of a formal Service Area Agreement.

- The Board asked that all four squads submit a map showing their first due coverage area based on each squad's data as determined by its MDT units and Bucks County.
- The \$42,000.00 allocated in the 2010 Budget would be disbursed based on total call volume by squad using data from the previous calendar year, in this case, FY2009 numbers from Bucks County EHS as noted below:

Squads	Total Calls	% of Total Calls	Township Contribution
Grandview	378	41.722	\$17,523.18
Chal-Brit	229	25.276	\$10,615.89
Souderton	228	25.166	\$10,569.54
Pt. Pleasant	71	7.837	\$ 3,291.39

Mr. Christman provided two draft Resolutions for the Board's consideration – Option A, which does not include a service area map, and Option B which includes a first-due service area map as provided by Bucks County,

After discussion, the Board unanimously agreed to Resolution Option A (without the map), revised as follows:

- Remove in totality, the third paragraph regarding solicitation by squads for subscription drives.
- Remove in totality, Item #4 - last paragraph under the "Now Therefore" section of proposed Resolution.
- Change Supervisor Groff's title on the signature line from "Member" to "Supervisor."

Supervisor Salvadore also suggested that the map showing current first-due EMS responses as provided by Bucks County be placed on the Township website for the benefit of residents who seek that information, with the caveat that a footnote be added advising that the map was prepared by Bucks County EMS, and directing questions about the map to Bucks County EMS.

Additionally, Supervisor Groff requested that his title on the signature line of all future Resolutions and Ordinances be changed from "Member" to "Supervisor."

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Resolution #2010-16 establishing general financial support guidelines for Emergency Medical Services ("EMS) within Hilltown Township (Draft Resolution Option A - without a map – as referred to in Mr. Christman's memo dated April 23, 2010), with the revisions as suggested above.** There was no public comment.

****7:30PM – PUBLIC HEARING: Chairman McIlhinney recessed the April 26, 2010 regular meeting to enter into an advertised Public Hearing to consider the adoption of an Ordinance amending Chapter 160, Section 160-23, Use E21 – Adult Entertainment.**

Supervisor's Comments:

1. Chairman McIlhinney pointed out Article 1.a, which refers to Adult Arcades and the regulation of "five or fewer persons per machine." He asked how that particular number was arrived at. Solicitor Grabowski replied that the number chosen was based upon what other municipalities have adopted and that courts have previously ruled to be a reasonable limitation.
2. Chairman McIlhinney questioned the highlighted section below as noted in Article 1, Section 9.b, which states "The building or structure of such use shall be located no less than **one thousand (1,000) feet from any residential use** or district, public or private school, place of worship, recreation facility, or any other religious, institutional or educational use." He recalls that there are some existing residential uses located within industrial zoning areas who may oppose such an establishment in their neighborhood. Solicitor Grabowski explained that those individuals could appeal to the Zoning Hearing Board for a variance if they so choose.

Public Comment: None.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Ordinance #2010-2, amending provisions of the Code of Ordinances, Chapter 160, Section 160-23, Use E21 – Adult Entertainment.** There was no public comment.

*****7:38PM - Chairman McIlhinney adjourned the advertised Public Hearing and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of April 26, 2010.**

Chairman McIlhinney referred back to the EMS issue, asking to address the financial component. Supervisor Salvadore noted that the decision to disburse funds to the designated EMS squads by percentage of total call volume of the previous fiscal year was actually determined by the Board at their April 12, 2010 meeting. Supervisor Groff advised that the financial aspect is covered under what is now the third paragraph of recently adopted Resolution #2010-16.

2. Consideration of adoption of Blooming Glen Village Study – Ms. Judy Stern-Goldstein presented a redline copy of the Study of the Village of Blooming Glen showing the revisions as noted during her meeting with Chairman McIlhinney.

Supervisor Salvadore suggested that the dates the plan was originally completed by the committee and first submitted to the Supervisors for review should also be shown on the document. Further, since the study was commissioned at the direction of the previous Board of Supervisors, Supervisor Salvadore suggested that those member's names be listed on the "Acknowledgements" page, rather than the names of the current Board. Ms. Stern-Goldstein explained that the names listed should reflect the Board members serving when the Study was adopted, not when the Study was commissioned.

Chairman McIlhinney expressed his appreciation to the Blooming Glen Village Study Committee members - Judy Greenhalgh, Dave Halliday, Bob Moyer, Brooke Rush, and Roger Wright for the excellent job they did preparing the plan.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to adopt the Blooming Glen Village Study, as revised April 21, 2010. There was no public comment.

G. ZONING HEARING BOARD ADVISORIES: None.

H. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore complimented Mr. Wert on the coordination and organization of the tree planting at the Forest Road Park this past Saturday. Nineteen trees were planted with the assistance of volunteers from the community.

I. PUBLIC COMMENT:

1. Mr. Michael Lag of 203 Middle Road was in attendance along with his neighbors, regarding a Zoning Complaint Form he submitted on October 6, 2009 concerning junk vehicles and equipment with potential health hazards on a property located at 211 Middle Road. After his initial complaint in October, Mr. Lag received confirmation from the Township on October 15, 2009, noting that the violations were indeed serious and advising that within 10 days, he should be notified with additional information. However, there was no further communication from the Township until he phoned the Zoning Officer earlier this year, asking for a status report on the original complaint, and subsequently was copied on an Enforcement Notice that was issued by the Zoning Officer on March 30, 2010. Mr. Lag has not received any further confirmation on the suspected ground contamination on the neighboring property, and the site continues to remain in "junkyard" condition. Chairman McIlhinney advised that Mr. Christman will look into the matter first thing in the morning.

J. PRESS CONFERENCE: No questions were asked by those reporters present.

K. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously, the April 26, 2010 Hilltown Township Board of Supervisors was adjourned at 7:50PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(**NOTE: These minutes should not be considered official until approved and accepted by the Board of Supervisors at a Public Meeting).