

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, January 25, 2010
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:00PM 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. Mgr./Dir. of Parks, Recreation & 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 met in Executive Session on Monday, January 11, 2010 in order to discuss legal and personnel issues, and to gather information.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR

- Minutes of January 4, 2010 Supervisor's Reorganization Meeting.
- Bills List dated January 26, 2010.
- Manager's Report.
- Solicitor's Report.

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

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

1. Traynor Minor Subdivision – Revised Preliminary/Final (Fairhill School Road/Church Road) – The revised preliminary/final plan for a minor subdivision located at the intersection of Fairhill School Road and Church Road was unanimously recommended for approval by the Planning Commission subject to completion of items as contained within the January 4, 2010 engineering review. Mr. Bucke, the applicant's engineer, was in attendance to present the plan.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant conditional preliminary/final plan approval to the Traynor Minor

Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's review dated January 4, 2010, along with all requirements in all prior engineering reviews. There was no public comment.

2. Proposed A-2 Nursery Ordinance – Authorization for Advertisement – The draft A-2 Nursery Ordinance was recommended for approval by a 6-1 vote, with Mr. Lapp opposed. The version of the Ordinance recommended for adoption is the original draft as prepared by the Township Solicitor, which has additional restrictions contained within the definition of roadside stand that would apply to both A-2 Nursery Use and A-7 Agricultural Retail Use.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to authorize advertisement of the proposed A-2 Nursery Ordinance for Public Hearing. There was no public comment.

3. Proposed Landscape Ordinance Revisions – At the direction of the Board of Supervisors at their October 26, 2009 meeting, Mr. Wynn prepared proposed revisions relative to landscaping. Discussion occurred. Chairman McIlhinney suggested that this item be tabled until the second meeting in February to allow the Supervisors to review and consider Mr. Wynn's Landscape Ordinance revisions. Supervisors Salvadore and Groff were agreeable.

E. UNFINISHED BUSINESS:

1. Appointment to Agricultural Security Board Vacancy – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to appoint Mr. John Wietecha to the vacancy on the Agricultural Security Board. There was no public comment.

2. Adopt 2010 Fee Schedule – Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to **adopt Resolution #2010-6 – Building, Zoning, and Miscellaneous Fee Schedule for the year 2010**. There was no public comment.

3. Continuation of Professional Service Appointments for 2010: At the Reorganization meeting, the positions of Township Planner and Township Zoning Officer/Code Enforcement Officer for 2010 were placed in abeyance until further discussion occurred.

a) Township Planner for 2010 – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to appoint Boucher and James as Township Planner on a month-to-month basis, while being mindful of financial considerations prior to tasking the Planner with work, and with a review in the future. There was no public comment.

b) Township Zoning Officer/Code Enforcement Officer for 2010: Supervisor Salvadore felt that the appointment of Pennoni Associates, which currently provides only part-time service, should also be considered on a month-to-month basis. She asked the Board to consider hiring a full-time Zoning Officer/Code Enforcement Officer with all the required certifications, which would provide additional hours of service/public access. Supervisor Groff agreed, and suggested that an employment advertisement be crafted by the Manager and Solicitor, and placed in the newspaper within two weeks. Chairman McIlhinney felt that the performance to date provided by Mr. Locke and Ms. Stover on behalf of Pennoni Associates has been excellent and at a reasonable price. He is not certain that a full-time employee, with salary and benefits involved would be more cost effective, and questions whether there is sufficient work available for full-time hours. Supervisor Salvadore agreed that an in-depth financial analysis is required. Supervisor Groff believes that investigation will show that full-time hours are justified.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff and carried unanimously to appoint Pennoni Associates as interim Zoning Officer/Code Enforcement Officer, while advertising for the full-time position of Zoning Officer/Code Enforcement Officer within the next two weeks. There was no public comment.

4. EMS Status Report – Just before the Christmas holiday, Bucks County EMS advised Mr. Christman that they would be providing a current box card map, however it has not yet been received. The Township has received the 2009 Response/Volume data from Bucks County EMS, which Mr. Christman will review and discuss with Ms. DeGidco. Supervisor Salvadore asked Mr. Christman to continue follow-up with Bucks County EMS so this matter can be resolved.

With respect to the issue of whether the various squads would be permitted to honor each other's subscriptions, Chairman McIlhinney had contacted Medicare, who suggested he contact the office of Inspector General of the United States. The Inspector General's office recently contacted Chairman McIlhinney indicating they were not opposed to the squads honoring each other's subscriptions. He has provided a copy of the email verification from the Inspector General's office to the Township Solicitor for review. That being the case, Chairman McIlhinney believes the agreements should be prepared once the map is received, and should then be forwarded to the EMS squads for execution, after which time the Board will consider the distribution of earmarked funding. It is Chairman McIlhinney's personal opinion that funding should only be provided to the volunteer EMS squads.

F. NEW BUSINESS:

1. Board of Auditors' Vacancy – Since Anthony Rapp is no longer a resident of Hilltown Township, his position on the Board of Auditors is currently vacant. The Board of

Supervisors authorized the advertisement of a vacancy on the Hilltown Township Board of Auditors.

2. Discussion of membership in Pennridge Area Coordinating Committee (PACC) and Upper Bucks Municipal Cooperative – Lengthy discussion occurred. Chairman McIlhinney felt there was no real benefit to membership in either PACC and/or the Upper Bucks Municipal Cooperative. He referred to the Township's current membership in the Bucks County Consortium of Municipalities and the state program, COSTARS, both of which are used for cooperative bidding purposes. Further, Chairman McIlhinney advised that staff is perfectly capable to procuring bids for items as needed. It is his opinion that membership in either group would simply be another layer of unnecessary government. He noted that PACC, which began several years ago as a group formed to conduct a water study in the Pennridge area, has now branched into zoning, planning, regionalization, and council of governments, all of which in Chairman McIlhinney's opinion, takes the power further and further away from the taxpayers. Supervisor Salvadore expressed concern with PACC's current voting structure, and noted that Hilltown would not be the only area municipality not participating in either organization. Supervisor Groff concurred with the sentiments expressed by his fellow Board members.

The Board directed Mr. Christman to forward correspondence to both the PACC and the Upper Bucks Municipal Cooperative, as well as to members of both groups, advising of Hilltown's desire to not participate in either organization.

3. Discussion of membership in BCATO (Bucks County Association of Township Officials) – Chairperson McIlhinney was unhappy with recent developments with BCATO, including forwarding Resolutions for consideration at the State convention, which had overwhelmingly been voted down by the BCATO membership; and the recent revision to the by-laws permitting a Board of Directors to make decisions for each municipality. Chairman McIlhinney also noted BCATO's current proclivity to enter into lawsuits while assuming that the municipal membership will foot the bill, which he believes would take away the Board's authority as elected officials to determine what the Township participates in and supports with taxpayer's funding.

Supervisor Salvadore sees both sides to this issue. She does see some value to membership in this organization, and would prefer that Hilltown not function in isolation. However that being said, Supervisor Salvadore agreed that participation in BCATO has changed since the bylaws were restructured, and it appears that each individual municipality is no longer represented by a vote.

Supervisor Groff is also not interested in retaining membership in the Bucks County Association of Township Officials. He believes the staff can certainly glean any pertinent and relevant information it may need through media sources, internet access, and State Representative Kathy Watson's office. Further, Supervisor Groff does not support the additional \$100.00 "Legal Fund

Contribution” included on the recent membership invoice from BCATO, noting that Hilltown Township has its own Solicitor to represent our interests.

Motion was made by Supervisor Salvadore and seconded by Supervisor Groff, to direct Mr. Christman to notify the Bucks County Association of Township Officials that Hilltown Township wishes to withdraw as an active member of that organization. Prior to a vote, Public Comment was heard.

Public Comment:

1. Mr. Joe Marino of Redwing Road commented that BCATO was first formed in 1908, and its original purpose was to provide information and education for local elected officials. He feels that BCATO is no longer necessary, since information and education for local elected officials is available through many local, state, and national avenues. With respect to pending legislation, Mr. Marino noted it is available through the internet for each official’s consideration and interpretation. He applauds the Board’s decision to part ways with BCATO.

Motion carried unanimously. There was no further public comment.

4. Discussion of Jack C. Fox Community Service Award – Supervisor Salvadore and Chairman McIlhinney have served on the Board when this recognition was awarded to a few individuals, and now feel that the definition should be broadened and revised to adjust the criteria and change the name to the “Hilltown Township Community Service Award.” Supervisor Salvadore feels that there are many, many residents of the Township who have been providing community service, short or long-term, who are very deserving of this award, but would not meet the current criteria. She suggested that the criteria be adjusted as the Board sees fit following discussion over the next two months, and that the newly named Hilltown Township Community Service Award be awarded when a deserving individual has been identified, not necessarily on an annual basis. Supervisor Groff and Chairman McIlhinney agreed.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to change the name of the Jack C. Fox Community Service Award to the “Hilltown Township Community Service Award” and to develop and establish new criteria for consideration within the next two months, as the Board sees fit. There was no public comment.

G. ZONING HEARING BOARD ADVISORIES –

1. Appeal #2009-10 – Joseph Pileggi, 524 Rt. 313 – The applicant is appealing action of the Zoning Officer, Interpretation of Law and Request for Variance.

Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to authorize attendance and representation by the Township Solicitor to state the Township's opposition to the Joseph Pileggi (Appeal #2009-10) Zoning Hearing. There was no public comment.

2. Appeal #2010-1 – Francis X. White, 903 Hilltown Pike – The applicant requests a Special Exception to construct a single-family dwelling on an existing non-conforming lot. No Board action taken, no representation of the Township required.

H. BOARD MEMBER COMMENT:

1. Supervisor Salvadore congratulated Mr. Wert for being a co-editor of an article regarding park maintenance in the third quarter issue of 2009 Pennsylvania Recreation and Parks Magazine.

2. Chairman McIlhinney advised that a staff meeting was held with representatives of the Guttman Tract Subdivision last week, and the applicant will be coming forward with a new proposal for that site, which hopefully will be in full compliance with the Township's TND Ordinance.

I. PUBLIC COMMENT:

1. Mr. Al Crawford of 2622 Hilltown Pike had complained to the Board of Supervisors in March of 2008, about the runoff from the neighboring Deep Run Valley Sports Association property. The problem has not yet been addressed, with increased runoff escalating for the past several years since Deep Run removed a fencerow between two open fields, clearing them for recreational use, with no apparent stormwater management measures taken. Mr. Hans Sumpf, president of Deep Run, explained that last year Deep Run installed a swale behind Mr. Crawford's home, which was to divert the water around the dwelling and down to Hilltown Pike. Mr. Crawford acknowledged that the swale was installed, however the runoff issue has only gotten worse. Mr. Sumpf advised that Deep Run remains willing to work with Mr. Crawford to attempt to alleviate the runoff issue, which is a constant problem they have been trying to deal with as well. Discussion occurred. Supervisor Groff commented that this is a private issue between Deep Run and Mr. Crawford, and encouraged them to work together to resolve the problem.

On a different subject, Mr. Crawford expressed concern with the intersection of Callowhill and Rickert Roads, and does not understand why the intersection is not a 4-way stop.

Mr. Crawford also noted is that he has received solicitation notices from Plumstead EMS, even though he is located closer to the Chal-Brit EMS. Discussion took place. Chairman

McIlhinney explained that this Board hopes to resolve the issue of the various EMS services accepting and honoring each other's subscriptions in the near future.

2. Mr. Wally Rosenthal of Rosie Lane requested that Hilltown Township consider working with Hatfield Municipal Authority to extend the public sewer lines north on Rt. 309 to help promote development of the commercial areas. He is most interested in having the public sewer line extended to his business, the Hilltown Pub, in order to alleviate the daily pump and haul activity on the site. Mr. Rosenthal understands that Hatfield is willing to allow HTWSA to take over the existing Hatfield sewer lines located in Hilltown Township by purchasing the necessary EDU's at a wholesale level, and then Hilltown could then charge retail costs to the existing customers.

Mr. Christman and Supervisor Groff had met with Mr. Pete Dorney, Executive Director of Hatfield Authority last summer to discuss some outstanding issues they were experiencing with their Act 537 Plan revision process. Supervisor Groff confirmed that Hatfield was waiting for DEP approval at that time, and that Hatfield Authority does not currently have sufficient capacity. Once Hatfield's Act 537 Plan Revision has been approved, Supervisor Groff advised that HTWSA could then commence discussions with the Hatfield Authority. Chairman McIlhinney agreed, however it is his opinion that there should be a commitment and a signed agreement with Hatfield Authority for the availability of public sewer to develop commercial and/or residential areas of Hilltown Township should it be necessary. It was Mr. Rosenthal's understanding that Hatfield Authority is waiting for confirmation from HTWSA as to how many EDU's may be required in the future before moving forward with their Act 537 Plan Revision. Solicitor Grabowski noted that Hilltown has provided an EDU count to Hatfield Authority based upon properties such as Mr. Rosenthal's existing need for public sewer and any proposed development at the time.

Solicitor Grabowski explained that HTWSA, at the suggestion of Hilltown Township, indicated to Hatfield Authority that they would like to become a bulk customer of Hatfield Authority for treatment. The Hatfield Authority then suggested turning over the existing sewer lines to the HTWSA. Solicitor Grabowski advised that HTWSA is not in favor of this proposal since sewer lines are essentially unproven and since Hatfield has already collected all the tapping fees for those lines. As the HTWSA Manager, Supervisor Groff is not interested in taking over Hatfield Authority's existing sewer lines, however he would consider taking over as a bulk customer where Hatfield's connection point currently ends heading north on Rt. 309. Lengthy discussion took place.

3. Mr. Christman sought authorization to continue participation in the next three-year cycle of the Bucks County Household Hazardous Waste Collection Program at a cost of \$2,000.00+ per year for the next three years. The Board of Supervisors unanimously agreed to authorize participation in the Bucks County Household Hazardous Waste Collection Program for the next three years as noted above.

J. PRESS AND MEDIA: There were no questions from the members of the press in attendance this evening.

K. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously, the regularly scheduled meeting of the Hilltown Township Board of Supervisors of January 25, 2010 was adjourned at 8:00PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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