

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 13, 2009
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:00PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Richard J. Manfredi, Supervisor Member
Christopher S. Christman, Township Manager
William E. Wert, Asst.Mgr./Dir.of Parks, Recreation & Open Space
Francis X. Grabowski, Township Solicitor
Christopher E. Engelhart, Chief of Police
Lynda S. Seimes, Admin. Asst. to Twp. Manager/Asst. Secretary

A. ANNOUNCEMENTS:

1. The Board met in Executive Session prior to this meeting to discuss legal matters.
2. Items (b) and (c) listed under "New Business" have been removed from the agenda due to a family emergency for the Traffic Engineer.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the June 22, 2009 Supervisor's Meeting
- Bills List dated July 14, 2009
- Financial Report for June 2009
- Fire Company Reports for June: Dublin and Perkasio
- Carson Helicopter Land Development and Univest Land Development Mylars for Signature

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Manfredi, to accept and approve items listed on the Consent Calendar as noted above. Prior to a vote, discussion took place.

Chairperson Salvadore requested that the fire chiefs be notified that their reports should be submitted in the format suggested to them six months ago. Mr. Christman will send correspondence to all seven fire companies to advise of this change.

Motion carried unanimously. There was no public comment.

D. UNFINISHED BUSINESS:

1. Discussion regarding proposed amendment to Park Rules and Regulations Ordinance – Mr. Christman’s memo dated July 10, 2009 was discussed.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Manfredi to authorize the advertisement of a Public Hearing for the proposed Park Rules and Regulations Ordinance as revised this evening. Prior to a vote, discussion took place.

- Section 9, Penalties: The Board unanimously agreed that the maximum fine to be imposed for violations of the provisions of the Ordinance should be \$200.00 while allowing the Supervisors the right to modify the maximum penalty if necessary.
- Section 2, Park Hours: The Board unanimously agreed to revise this section to allow the Supervisors the right to set park hours by Resolution, from time to time. The Ordinance language referencing the listing of hours was referred to the Township Solicitor to clarify.

Original motion carried unanimously. There was no public comment.

2. Status Update on Traffic Signal at Rt. 152/Hilltown Pike Intersection – Postponed until the July 27, 2009 meeting.

3. Discussion of PennDot Recommendations to April 29, 2008 Correspondence – Postponed until the July 27, 2009 meeting.

E. NEW BUSINESS:

1. Execution of Perkasio Borough Authority Global Settlement Agreements/Resolutions – Solicitor Grabowski was pleased to announce that settlement agreements have been reached involving several entities, including Hilltown Township, Hilltown Water and Sewer Authority, Penridge Wastewater Treatment Authority, and Perkasio Borough Authority, to litigation that has continued for close to 35 years. Approximately 10 years ago, Perkasio Borough Authority filed appeals of Planning Modules for Hilltown Chase, the Preserves at Hilltown and Ashland Meadows Subdivisions. PBA was seeking to prevent the construction and operation of the HTWSA Highland Park Treatment Plant by filing a court action in the Commonwealth Court, which ultimately made its way through the appeals process and eventually returned to the Bucks County Court, where it has languished for approximately 7 years. Most recently, PBA pursued appeals to the Environmental Hearing Board on the Ashland Meadows and Preserves at Hilltown projects. In mid-January, the first hearing was held before the Environmental Hearing Board judge, who suggested that an amicable resolution be pursued between all parties. Fortunately, a settlement agreement was accomplished, and has

been executed by Perkasio Borough Authority, the two developers involved, the PADEP, and most recently by the Hilltown Authority. As part of the overall agreement, the flow from those three subdivision projects will go to the PWTA plant, and in exchange, PBA has granted free EDU's to the Hilltown Authority.

Through the entire process, Solicitor Grabowski has tried to instill in everyone involved that it was always Hilltown Township's policy to control its own destiny in terms of planning, sewer capacity and treatment, and water planning and water resources. Over the course of time, the PBA and others wanted to create and actively control an assigned sewer district within Hilltown Township by blocking the construction of the Highland Park Plant. As a result of these agreements, PBA has agreed that it will never seek a sewer district within Hilltown Township.

In addition to the two settlement agreements, one of which is to be executed by the PADEP, there is a collateral agreement by which there are exchanges and promises between the Perkasio Borough Authority and the Hilltown Authority, with no involvement by other parties. The agreement also calls upon the Board of Supervisors to adopt three amended Planning Module Resolutions, which would provide for the flow and treatment thereof to occur for the Preserves, Ashland Meadows, and Hilltown Chase Subdivisions to go to the PWTA treatment facility. By that occurring, it opens up additional capacity at the Highland Park treatment facility that can be used for other projects in the future. The Hilltown Authority agreed that the global settlements are actually a much better deal for Hilltown Township than if the hearings had continued and Hilltown had won.

Mr. Jim Groff, Manager of the Hilltown Township Water and Sewer Authority, thanked the Board of Supervisors, both personally and professionally, for their cooperation and assistance throughout these many years of lawsuits.

Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to approve and execute the Perkasio Borough Authority Global Settlement Agreements as noted above, and to **adopt the following - Resolution #2009-20, Planning Module Resolution for the Ashland Meadows Subdivision (Act 537 Plan Revision) Planning Modules; Resolution #2009-21 - for the Hilltown Chase Subdivision (Act 537 Plan Revision) Planning Modules; and Resolution #2009-22- for the Preserves Subdivision (Act 537 Plan Revision) Planning Modules.** There was no public comment.

2. Discussion of Act 32 Countywide EIT Collection and Consideration of a Resolution to Appoint Members to the Bucks County Local Tax Collection Committee – Mr. Christman's memo dated July 2, 2009 was discussed.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-23 to appoint Mr. Christopher S. Christman, Township Manager as Hilltown Township member representative, and Mrs. Lorraine E.**

Leslie, Finance Director as alternate member representative to the Bucks County Local Tax Collection Committee. There was no public comment.

Chairperson Salvadore wondered if any members of the general public will be appointed to this Committee. Mr. Christman will investigate.

3. Overview and Discussion of Results of the PROS Survey – Mr. Wert provided a PowerPoint presentation showing the compiled results of the recent Parks, Recreation, and Open Space Survey sent to all property owners in Hilltown Township; a copy of which is on file at the Township office. To prevent duplication and block special interest responses, the Township was divided into four quadrants, and the 15 question, tamper-resistant survey was then color coded by quadrant. Surveys were mailed to 4,902 property owners, with a total of 1,049 responses received for a 21.4% response rate.

Summary:

Of the responses received, 61.3% of individuals have resided in Hilltown for more than ten years. Of this group, more than 61% have lived in Hilltown for over twenty years. Thirty-seven percent have lived in Hilltown for less than ten years.

Approximately half of the residents do not use the Civic or Blooming Glen Parks, though a large majority of those individuals rated the park system as “good” or “adequate.” Respondents are most interested in the development of a hike-n-bike system connecting neighborhoods to Township parks. A majority are interested in playgrounds and picnic areas as opposed to athletic facilities, and are also interested in those facilities being created in or near their neighborhoods or developed regionally throughout the Township.

A majority of respondents are interested in preserving the rural character, natural features, and farmland of Hilltown Township. They would prefer that the Township spend open space funds on land acquisition for wildlife/natural area restoration and park development rather than on purchasing conservation easements. Respondents felt that open space funds should be spent on passive recreation and natural resource-based development, not the development of athletic facilities. The survey found that a majority of respondents do not support a tax increase to fund future development or maintenance of parks.

The details gleaned from this survey will provide continued direction for the development of a Township park system including a trail system, assist with defining recreational programs, and help define the Open Space Preservation Program. With respect to park development, Mr. Wert noted that the PROS Committee will be revisiting the Forest Road Park Master Plan to include the newly acquired Beyer property; developing a Master Plan for the 150 acres of open space on the former Berry Brow property, will work with developers to create neighborhood parks, and intends to develop a Hike-N-Bike Trail Specific Plan. In conclusion, Mr. Wert feels that the

survey results have provided invaluable information which will assist with the future planning for parks, recreation, and open space.

Mr. Wert noted that any survey question the Board would like specific information for – such as how a particular quadrant of the Township responded to a specific question can be imported from this Access database. Supervisor McIlhinney noted that 43% of the surveys were mailed to Quadrant 1, with 25% mailed to Quadrant 2, 17% mailed to Quadrant 3, and 15% mailed to Quadrant 4, which in his estimation means that the entire survey was controlled by those respondents from Quadrant 1. He is concerned that the residents in Quadrant 1 may have skewed the results with NIMBY (“Not In My Backyard”) opinions on certain questions. Mr. Wert explained that Quadrant 1 simply has the densest population with smaller lots, which would account for the larger number of surveys mailed and responses returned. With the responses from this survey, Supervisor Manfredi suggested that Mr. Christman and Mr. Wert provide the Board with their recommendations and a menu of options as to which of the various recreational programs should be considered in the 2010 budget.

Chairperson Salvadore felt the report presented this evening was very well done, and commented that the Township asked the public for their input via the survey, and the public has spoken with the survey results. While Supervisor McIlhinney agreed with that statement in principal, he had asked Mr. Wert for a detailed analysis of the responses to Question #8 (“What type of recreation facilities are most needed and should be provided by Hilltown Township? Check top 5 needs”) by quadrant because of the variation in responses by location. Supervisor Manfredi also feels that this survey provides a good basis for a more detailed follow-up survey. Lengthy discussion occurred.

Public Comment:

1. Mr. Hans Sumpf of 9 Beverly Road responded to the survey, which he felt was well-prepared. As president of Deep Run Valley Sports Association, Mr. Sumpf has noticed that many people, especially newer residents, assume that Deep Run is a Township-funded organization. He suggested that the cost of the Township’s various camps and organized recreational programs should be fair and equitable to all residents. Discussion took place.

There was no further public comment.

F. BOARD MEMBER COMMENTS:

1. Supervisor Manfredi recommended that a letter of appreciation be sent to the members of the Hilltown Water and Sewer Authority Board from the Board of Supervisors recognizing their contributions, their patience throughout these many years of PBA litigation, and commending them for arriving at an amicable settlement. Chairperson Salvadore and Supervisor McIlhinney agreed.

2. Chairperson Salvadore asked when the fence at the Forest Road Park would be erected. Materials have been purchased, however due to some delays with road work taking precedence the fence installation had been delayed. Mr. Christman explained that grading of the site must first occur. He believes the fence will be erected sometime within the next month, but certainly by the end of August.

3. Supervisor Manfredi suggested that a pathway and link between the Forest Road Park and the Beyer Tract be paved. He also asked if the PROS Committee will be providing recommendations for the plan for the Beyer Property and Forest Road Park. Mr. Christman replied that they would.

4. Supervisor Manfredi asked when the updated Open Space Plan would be complete, and available to submit to Bucks County in order for the Township to be reimbursed its fair share of the cost of purchasing conservation easements for the White Chimney Farms site, and the Ludlow site last fall. Mr. Wert replied that the Open Space Plan is almost complete and he will be submitting it to the Supervisors for review in the near future. Once the Board reviews the Open Space Plan, it must then be submitted to Bucks County for approval, after which time a second submission to the County of a specific project for reimbursement must be submitted and approved by the County. Supervisor Manfredi had been under the impression that the approval of the Open Space Plan by Bucks County would automatically qualify the Township for reimbursement. Mr. Wert advised that the procedure is for the Open Space Plan to be submitted and approved, after which a specific project, parcel or preservation project is identified and then submitted to the County. Once that is approved, disbursement of the funds would occur. Mr. Wert noted that the plan and the submission for disbursement are two different things. The Township is required to have an Open Space Plan in place before applying for reimbursement or disbursement of funds. The procedure just described was not Supervisor Manfredi's understanding of what Mr. Wert had previously told the Board, and directed that the specific meeting minutes on this subject be researched for the Board's review.

Chairperson Salvadore stated that there is obviously some sort of confusion with the process, because she had counted on recouping those funds expended for the White Chimney Farms site and the Ludlow site. Mr. Wert explained that recouping those funds is an option the Township could pursue, and could be accomplished by submitting a letter of retroactivity. Supervisor McIlhinney wished to clarify that it was his fellow Supervisors, not himself, who supported the purchase of those conservation easements last fall without being clear as to whether or not funds could be reimbursed from the County.

Chairperson Salvadore asked when the Open Space Plan would be available for the Board's consideration. Mr. Wert anticipates providing the updated Open Space Plan to the Board within the next two weeks. The Board would then have the choice of several options to pursue – submitting a Letter of Waiver Activity, identifying a parcel to be preserved, or considering a partnership with perhaps Dublin Borough which was what had been accomplished to obtain the

1997 Bucks County funds. Once the plan is approved and the Board has identified that priority, Mr. Wert stated that the Township can then submit for reimbursement from the County.

G. PUBLIC COMMENT: None.

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

I. ADJOURNMENT: Upon motion by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously, the July 13, 2009 Hilltown Township Board of Supervisors meeting was adjourned at 8:00PM.

Respectfully submitted,



Lynda Seimes

Admin. Asst. to Township Manager/Asst. Secretary

(*These minutes should not be considered official until approved by the Board of Supervisors at a public meeting).