

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Thursday, May 28, 2009
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:05PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Richard J. Manfredi, Member
Christopher S. Christman, Township Manager
William E. Wert, Asst. Manager/Dir. of Parks, Recreation, & Open Space
Andreas Heinrich, Township Traffic Engineer
Christopher E. Engelhart, Chief of Police
Lynda S. Seimes, Admin. Asst. to Township Manager

A. ANNOUNCEMENTS:

1. Following the last meeting, the Board met in Executive Session to discuss legal issues.

2. The Hilltown Parks and Recreation Department continues to expand and is offering new programs and environmental education classes for the summer months. For a complete listing of all programs and to download registration forms, please visit the Township website often at www.hilltown.org. Inquiries to Mr. Wert, Director of Parks, Recreation, and Open Space at 215-453-6000, ext. 237 or via email at recreation@hilltown.org.

3. The US Census Bureau is conducting a nationwide address-canvassing operation. Residents should be advised that Census workers will be going door-to-door to verify addresses and inquire about additional living quarters on the premises. Census workers can be identified by the official Census Bureau Badge. Please be advised that Census workers will never ask for bank or Social Security information. All Census information collected, including addresses, is confidential and protected by law. More information can be obtained at www.census.gov.

4. On an annual basis, Hilltown Township participates in Bucks County's West Nile Virus Spraying Program. If a resident is allergic or has experienced adverse reactions to the chemicals used in the past, please notify the Bucks County Department of Health.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the April 27, 2007 Supervisor's Meeting.
- Bills List dated May 29, 2009
- Financial Report for April 2009.

- Manager's Report/Financial Variance Report.
- Solicitor's Report.
- Fire Company Reports for April 2009 -- Dublin, Perkasio, and Souderton.
- Hilltown Crossings (Wal-Mart Expansion) Mylars for Signature.
- Holly Farms Subdivision Mylars for Signature.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept and approve the above listed items. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Hilltown Walk (aka: Guttman Tract) Subdivision – TND Zoning Inquiry – Mr. Doug Sanders of the Brentwood Group, Mr. Paul Catinella of Independent Middle Mortgage, along with Mr. Robb Gundlach, the applicant's legal counsel, and Mr. Scott Mill and Mr. Sam Constanzo, the applicant's engineers, were in attendance to present the plan.

Mr. Gundlach advised that the subject site, which is located along Green Street adjacent to Silverdale Borough, received conditional preliminary plan approval for a 45-lot cluster subdivision on June 25, 2007. The site consists of approximately 87.89 acres located in the Country Residential II Zoning District. The applicant is requesting that the Board consider rezoning the subject property from CR-2 to VC (Village Center), at which time the applicant would construct a Traditional Neighborhood Development (TND) consisting of a mix of singles, townhouses, and twins, along with institutional and commercial uses, including live/work units. The project design would also incorporate architectural features typical of a TND project, providing for green spaces for passive recreation, walking links to adjacent parks and open space lands. Public water and sewer service would be proposed.

The new property owner, Middletown Mortgage Associates, who has taken the property back from the prior applicant due to financial and economic reasons, has been diligently working to resolve the sewer issues for the site. A number of sewer line easements were required to extend the sewer lines not only for the benefit of this project, but for some of the surrounding properties as well. Mr. Gundlach commented that larger dwellings such as those originally proposed for this site do not appear to be in favor in this economic climate. It was noted that the Township's recently adopted Ordinance only permits the TND Use in the VC Zoning District.

The site is surrounded by CR-2 Zoning to the northeast, by MHP (Mobile Home Park) zoning across Green Street to the west, by RR (Rural Residential) to the east and to the south; and by the Borough of Silverdale to the north. The site contains approximately 30 acres of woodlands as well as a watercourse that bisects the property in the east/west direction. The bulk of the site frontage is along Green Street, with an access for the existing dwelling along Fairhill Road. Two other homesteads exist on the site, with one containing the original farmhouse, barn, and

outbuildings. An existing pond consisting of approximately $\frac{3}{4}$ acres in size is also located on the site.

The sketch plan depicts a hypothetical mix of dwelling types, including singles and twins. A majority of the units are shown to be clustered together in a central location on the site, and are arranged around a loop road. There are two main entrances off Green Street, and the plan generally follows the roadway layout previously approved by the Township for this property, including access road alignment with Maregan Drive. A green courtyard is proposed in the center of the neighborhood along with a gazebo or similar community gathering type feature. Sidewalks are proposed, as well as a walking path connection to the adjacent Al Reese Park in Silverdale Borough. Connection to open space currently owned by the Township and adjacent to the southern border of the site would also be considered. It is anticipated that commercial and institutional uses would be situated on TMP #15-28-21-1.

Mr. Gundlach advised that the applicant has engaged Thomas Comitta Associates, Inc., a well-respected firm specializing in Traditional Neighborhood Development, to prepare the preliminary manual of written and graphic design standards for the project. Some of the residential units would have detached garages with rear alley access, while others would contain design elements such as picket fences, street trees, gazebos/pergolas, porches and stoops along with a possible civic element such as a library or community center, as suggested by the applicant.

Mr. Sanders feels the proposed project would compliment and benefit the existing commercial and residential community, and would be consistent with the spirit and intent of the Township's desire to provide walkable village-type communities. He noted that this proposal would further benefit the community by extending public sewer facilities to this area to allow previously identified existing homes with failing septic systems to tie-in to the public sewer system.

Mr. Gundlach noted that the examples found in the proposal put forth this evening are comprised of very preliminary design elements prepared by Mr. Comitta to meet the Township's Ordinance requirements. Obviously, if the Hilltown Walk site were to be re-zoned to VC to conform to the TND Ordinance requirements, and the plan moved forward through the subdivision process, Mr. Gundlach advised that a much more detailed proposal showing all of the architectural elements would be provided.

Mr. Gundlach explained that Mr. Comitta felt it would be very difficult to accomplish a proper TND community on smaller parcels of 5 or 10 acres as required in the TND Ordinance in order to fit all of the necessary elements, including central green areas, commercial areas, and walkable portions, while still protecting the natural features and unique elements of the site. Mr. Sanders does not believe there are any other sites large enough in this immediate region, even those sites the Ordinance designates as VC Zoning, to construct a good, comprehensive TND.

He noted that the National TND zoning book suggests that a TND neighborhood be developed with all components within a five minute walking distance from each other.

Supervisor's Comments:

1. Supervisor McIlhinney felt the proposed plan was far too segregated and did not allow for the appearance of a natural village, which was the Board's intent when drafting the TND Ordinance. This proposal clearly segregates commercial uses, live/work uses, and residential uses, rather than combining and blending them into a true village. For instance, Supervisor McIlhinney pointed out the section of the plan showing a block of 20 townhouses, which is not what a village or a Traditional Neighborhood Design should be. Supervisor McIlhinney commented that the idea was to create a vibrant village concept with various activities occurring throughout the site.

2. Supervisor Manfredi questioned the parcel proposed for civic use, such as a library or community center. Mr. Sanders explained that upon review of several TND communities across the country, and since the Ordinance specifically speaks to a civic use, the applicant felt that a library component would be an asset to encourage visitors to a destination point in the village. Mr. Gundlach commented that this proposal would merely set aside the land for a civic use such as a library for others to construct.

Personally, Supervisor Manfredi would be open to consider re-zoning this property to VC, with the caveat that it has to make sense. He feels that Supervisor McIlhinney's characterization of the proposal is accurate, and does not believe the lay-out as presented would match what the Township is trying to accomplish with a true walkable, live/work type of development.

Mr. Gundlach pointed out that it was Mr. Comitta's opinion that the Ordinance was a good base, but that it required some tweaking. Mr. Comitta had agreed that it would be nice to propose three townhouses grouped together, followed by a single and then perhaps a twin, and then a multi-unit with perhaps six residential dwellings in one building, with some commercial uses interspersed, which is very similar to how the Lantern Hill Development was constructed. Mr. Gundlach is also aware that this Board does not favor the commercial and residential segregation in a TND community. Perhaps with some minor modifications that Mr. Comitta might be able to suggest, Mr. Gundlach advised that the applicant could better integrate the residential and commercial components. Supervisor McIlhinney commented that the Ordinance was written to allow for plenty of compromise between the Supervisors, Township Planning Commission, and the applicant in order to insure a quality development.

3. Chairperson Salvadore concurred with Supervisor McIlhinney that this proposal does not meet the Board's vision of a true TND because it segregates the residential and commercial aspects. She also noted that the Board was trying to avoid development symmetry, with more

random placement of lots for both residential and commercial uses. Specifically, Chairperson Salvadore referenced the symmetrical columns of "Village Homes" proposed along Green Street. When the TND Ordinance was initially considered, Supervisor McIlhinney explained that one of the requirements was that it had to make financial sense to the Township. Just because a development is filled with high density does not do anything for the Township other than tax rateables. The idea was to create a village community with enough commercial and professional offices and/or home occupations to produce enough tax revenue to afford a higher density. As such, the Ordinance was specifically written to require 30%-35% commercial/professional uses in order to produce viable tax revenues.

Mr. Gundlach asked for clarification as to whether or not the Board thought this particular site could be suitable for a TND development. While more detail and information would certainly be required, Chairperson Salvadore believes the applicant is heading in the right direction. Supervisor McIlhinney agreed, noting that the location is desirable since it is located right next to a borough.

Mr. Wynn noted that the final plan for the original Hilltown Walk Subdivision was submitted 2 ½ years ago, and with the exception of the submission of a phasing plan, there has not been any activity on the project for two years, other than frequent reminders from his office that an extension is required. Therefore, Mr. Wynn suggested that the applicant formally withdraw the final Hilltown Walk Subdivision Plan, which would not affect or compromise the preliminary plan approval as previously granted. Mr. Gundlach agreed to send correspondence waiving any review period deadlines in connection with the final plan submission.

2. Mr. Jim Hardy – Request for waiver of fee in-lieu-of park and recreation land for Hardy (Minor) Subdivision – Mr. Hardy was present to request a waiver of fee in-lieu-of recreational land dedication for his two lot minor subdivision located at the intersection of Rickert Road and Diamond Street. He explained that progress with his subdivision had been delayed for over a year due to personal family issues. Mr. Hardy, who is paralyzed from the chest down, has been attempting to subdivide his uncle's property in order to construct a handicapped accessible dwelling for himself and his children. In April, Mr. Hardy contacted Solicitor Grabowski to once again work toward completing the project, and was advised that due to the amount of time that had lapsed (2007), the fee in-lieu-of dedication of recreation land had increased from \$1,962.00 to \$2,685.00. Given that the Civic Park does not even have a handicapped parking spot that is van-accessible; Mr. Hardy does not feel it is fair that he be charged this amount. Chairperson Salvadore advised that the Director of Parks, Recreation, and Open Space is present this evening, and will see to it that the handicapped parking space issue is rectified immediately.

Since his recent divorce, Mr. Hardy's income has been even more drastically reduced, which makes the subdivision process and all the fees involved, that much more expensive. The

approximately \$700.00 increase in the fee in-lieu-of park land dedication, in Mr. Hardy's opinion, would make it difficult to proceed with the construction of his home.

While sympathetic to the circumstances, Supervisor McIlhinney reminded Mr. Hardy that in May of 2007, this Board granted him relief from the considerable cost of street improvements, installation of sidewalks, and stormwater management for his subdivision. At that time, the Supervisors also considered, but denied this same request for waiver of fee in-lieu-of recreational land. Discussion occurred. Supervisor Manfredi would be willing to reduce the fee in-lieu of hack to the original \$1,962.00 however he would not be amenable to waiving the fee in totality. Supervisor McIlhinney and Chairperson Salvatore agreed. Supervisor Manfredi would also consider some sort of a payment plan if that would assist Mr. Hardy. Supervisor McIlhinney reminded the Board that Mr. Hardy has not yet paid past fees to the Township Solicitor for preparation of Land Development and Financial Security Agreements.

Public Comment:

1. Mr. Matthew Gallagher of Lawndale Avenue suggested that the Board consider establishing a loan payment schedule for Mr. Hardy to pay the fees that are due. Supervisor McIlhinney understands the circumstances Mr. Hardy is facing, however it should also be understood that the Township is not a bank or a mortgage company. He reiterated that the Board of Supervisors had already waived tens of thousands of dollars in fees on this particular subdivision application in 2007.

There was no further public comment.

After lengthy discussion, Mr. Hardy agreed to accept the offer of paying the reduced \$1,962.00 fee in-lieu-of recreation land; a fee that was initially required for his subdivision two years ago.

3. Mr. Todd Nonnenman, 102 Clarion Drive -- Inquiry concerning proposal encroaching 10 ft. into stormsewer easement – Mr. Nonnenman is proposing the construction of a 24 ft. by 32 ft. pole barn for personal storage purposes, which would encroach into the 20 ft. minimum side yard setback, and also into a 20 ft. stormsewer easement. He realizes that he must also apply for a variance from the Zoning Hearing Board for encroachment into the side yard setback. The reason for Mr. Nonnenman's choice of location in the side yard rather than in the rear yard is to reserve space for his children to play. He is aware that he could construct a single car garage without encroaching into the easement; however the size would not meet his storage needs.

Chairperson Salvatore asked the proposed use of the pole barn. Mr. Nonnenman replied that it would be used for dry storage, such as lawn equipment, a 4-wheeler, etc., basically for personal hobby use versus a business use. At the present time, Mr. Nonnenman's storage needs have outgrown his existing 11 ft. X 18 ft. shed. In order to remain in keeping with the neighborhood

aesthetics, Mr. Nonnenman would prefer not to erect a second similarly sized shed elsewhere on the property, when this larger pole barn would solve his storage needs. He noted that even though his lot is of a fair size, there is a basin located to the rear as well which would further hamper placement of the building.

Supervisor McIlhinney noted that if the pole barn is constructed in the location proposed, it will be located halfway thru the Township's easement where a 24 inch stormwater pipe currently runs, and the corner of the pole barn would in effect be centered over that pipe. Therefore, any maintenance or repair of the stormwater pipe would require demolition of Mr. Nonnenman's pole barn. Personally, Supervisor McIlhinney felt that granting this request would be poor engineering and certainly a precedent-setting event on the Township's part. Supervisor McIlhinney suggested that the applicant choose a different location that would not infringe on the Township's easement.

Mr. Nonnenman explained that the stormwater easement was originally constructed to handle a certain amount of water to flow down through the cul-de-sac into the basin behind his home. He has lived on the property and maintained the basin for 15 years, and as such has found the basin to be dry unless there are heavy rains. Recently, a new dwelling was constructed at the top of the cul-de-sac, apparently at a size larger than originally was planned for the existing basin. The newly constructed dwelling has its own basin beneath the house, which has actually resulted in even less water flowing to the basin on Mr. Nonnenman's property. Discussion took place.

Supervisor Manfredi commented that there is 400 ft. available from the rear of the dwelling to the rear property line, and therefore, wondered what "hardship" Mr. Nonnenman could reference as an argument to construct the pole barn in the easement. Mr. Nonnenman would not be willing to construct a 24 ft. X 32 ft. pole barn in his rear yard because it would infringe on his children's play area, and because it would not be aesthetically pleasing. Further, he noted that there is actually only 44 ft. to work with to the rear of his home because of the location of the retention basin and the wetlands.

Mr. Wynn totally agreed with Supervisor McIlhinney that it would not be prudent to build a structure over a stormsewer pipe. Supervisor McIlhinney suggested the applicant consider an alternate location, perhaps at the rear of the building envelope where the stormsewer and detention basin easement begins, which appears to be approximately 60-70 ft. from the rear of the dwelling. Even though this would be located at the edge of the easement area, Supervisor McIlhinney noted that the building would not be constructed above the stormsewer pipe itself, and would still allow for the rear yard to remain open for a play area. Supervisor Manfredi agreed that this scenario would be preferable, and commented that there are plenty of alternate locations to consider. Mr. Wynn also suggested that Mr. Nonnenman consider changing the building's dimensions – either making it smaller or longer and narrower. Discussion occurred.

The Board of Supervisors directed Mr. Nonnenman to meet with Township staff to consider alternative locations for placement of the storage building that would be more amenable to all concerned, while avoiding encroachment into the 20 ft. easement over the stormsewer pipe.

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

1. Holly Farms Subdivision/Land Development Agreement, Road Frontage Easement Agreement, and Petition for Street Lights – Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to accept and approve the Holly Farms Subdivision/Land Development and Financial Security Agreements; to **adopt Resolution #2009-17 accepting the Holly Farms Road Frontage Easement Agreement**; and to **adopt Resolution #2009-18, accepting the Holly Farms Street Light Petition**. There was no public comment.

2. Hilltown Crossings (Wal-Mart Expansion) Land Development Project – Solicitor Grabowski advised that the applicant has not yet executed and returned the above noted Agreements.

3. Pileggi Stormwater Management Agreements – These Agreements were returned to Solicitor Grabowski's office subsequent to the preparation of his status report. The site, located on Rt. 313, had been issued a zoning violation for non-compliance with stormwater management practices. The applicant has now met the requirements of stormwater management, including the preparation and execution of a Stormwater Management Operation Agreement and Financial Security Agreement. The Financial Security Agreement is based upon a construction escrow approved by the Township Engineer in the amount of \$91,071.38, which has been secured by a Letter of Credit through First Trust Bank.

Motion was made by Supervisor Manfredi and seconded by Chairperson Salvatore to accept and approve the Pileggi Stormwater Management Operation Agreement and Financial Security Agreement. Prior to a vote, discussion took place.

Supervisor McIlhinney is not comfortable allowing an applicant to establish escrows, to maximize the densities permitted on a property, or to execute what in his opinion is a land development, without knowing what is being proposed. The Township is only aware of the deposit of materials on that site, which are now required to be removed prior to coming into compliance with any application for land development/subdivision. Supervisor McIlhinney feels that the applicant has been permitted to "put the cart before the horse," as long as he has provided an escrow account. Chairperson Salvatore reminded Supervisor McIlhinney that this discussion only refers to the stormwater management of this site. Supervisor Manfredi stated that the applicant properly submitted an application and complied with all provisions of the standalone Stormwater Management Ordinance, and as such, the Township has no other related provisions in any of the other Ordinances by which to deny the application. Discussion occurred.

*****Chairperson Salvadore recessed the meeting at 8:29PM in order to enter into Executive Session. Following a brief Executive Session, the May 28, 2009 regular meeting of the Hilltown Township Board of Supervisors was reconvened at 8:32PM.**

A vote was taken on the original motion. Supervisor McIlhinney was opposed. Motion carried: 2:1. There was no public comment.

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

1. Bid #2009-1 – Traffic Signal (Orchard Road/Diamond Street Intersection) – Bid results are as follows:

- Miller Brothers, Inc.	\$119,484.00
- Armour and Sons Electric, Inc.	\$119,960.00
- Bonavitacola Electrical Contractor, Inc.	\$171,549.00

Motion was made by Supervisor Manfredi and seconded by Chairperson Salvadore to award Bid #2009-1 for the Traffic Signal at the Orchard Road/Diamond Street Intersection to Miller Brothers, Inc. in the amount of \$119,484.00, subject to receipt of the required Performance Bond, Payment Bond, and insurance. Prior to a vote, discussion took place.

Supervisor McIlhinney asked if sufficient funds are available for this project. Mr. Christman advised that funds in the amount of \$95,000.00 had been budgeted two years ago, and carried over through 2009 for this project. The remaining balance of \$24,484.00 could come from the Capital Projects Fund, which currently carries a balance of over \$600,000.00.

Original motion carried unanimously. There was no public comment.

G. UNFINISHED BUSINESS:

1. Appoint Pennoni Associates as Township Zoning Officer and Building Code Official – Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to formally appoint Pennoni Associates, Inc. as Zoning Officer and Building Code Official of Hilltown Township for the rest of the calendar year 2009. There was no public comment.

2. Review of Study of Rt. 152/Hilltown Pike (Good Shepherd Church) Intersection by Township Traffic Engineer – Mr. Andreas Heinrich of Heinrich and Klein, the Township's Traffic Engineer, was in attendance to discuss his report dated May 11, 2009. A new traffic control signal has been designed and approved for installation at the intersection of Hilltown Pike and Rt. 152 at Good Shepherd Church. The report notes that existing Sunday morning highway travel demand and traffic patterns were determined from completion of a Turning Movement Traffic Count at the intersection of Hilltown Pike and Rt. 152, and at the 3 driveways

that provide access to the Church during the period 9:30AM to 12:30PM on Sunday, May 3, 2009. The approved design maintains the existing south driveway to the Good Shepherd Church as an entrance-only due to the offset alignment opposite the Rt. 152 approach to the intersection with Hilltown Pike. Mr. Heinrich understands that there is concern that traffic exiting the two remaining driveways intersecting Hilltown Pike north of Rt. 152 will experience increased delay and congestion particularly when there is a RED signal indication for the Hilltown Pike approach to the intersection. (A copy of the complete study is available for public review at the Township office).

The report concludes that based on observations and the results of the analysis conducted on My 11th by Mr. Heinrich, the magnitude of current traffic volume does not suggest the need for revision of the proposed/approved traffic signal design. With a relatively minor increase in traffic, however, queues could begin to increasingly block egress from the Good Shepherd Church south driveway. Taken together with the existing limited visibility that will be exacerbated by vehicle queues on the southbound approach of Hilltown Pike, two-way access via a properly aligned Church driveway opposite Rt. 152 would provide for safer operation for traffic entering and exiting the Church, with no significant deterioration in the operation of the signalized intersection. With a two-way realigned driveway, the volume/capacity analysis worksheets indicate that, overall, the signalized intersection of Hilltown Pike and Rt. 152 would operate at an acceptable Level of Service "B" (an increase of 0.8 seconds delay per vehicle) during the Sunday morning peak hour with both approaches of Hilltown Pike still operating at Level of Service "A," the westbound approach of Limekiln Pike still operating at Level of Service "D," and the eastbound approach of the Church driveway to operate at Level of Service "C."

Supervisor McIlhinney disputed some of the report findings. He noted that a Sunday morning is not the busiest traffic volume time experienced by the Church, and explained that they do provide child daycare Monday through Friday, with morning and evening rush hour experiencing the highest volume of traffic. Another time of heavy traffic volume is on Primary and General Election Days since the Church is an established polling place. Supervisor McIlhinney stated that most motorists do not attempt to exit the Church site at the driveway closest to the intersection of Rt. 152 because of traffic congestion. He personally calculated the distance from the Rt. 152 corner (heading north on Hilltown Pike) to the first Church driveway at 20 ft., and then it is another 70 ft. further to reach the second Church driveway. Therefore, Supervisor McIlhinney estimates that it would take only 4 ½ vehicles stacked at a traffic signal until the second Church driveway would be completely blocked. It would also be very difficult to make a left onto Hilltown Pike from the second Church driveway due to the stacked vehicles and the lack of sight distance. Lengthy discussion occurred.

Mr. Heinrich suggested an unconventional alternative, which he admitted is inefficient but is sometimes used at locations with similar intersection misalignments. The alternative would be for the driveway to be designated "exit-only" with a timing sequence on the light where

Limekiln Pike would first get a GREEN light, followed by a GREEN light for the Church driveway. Since the driveway traffic volumes are relatively light, Mr. Heinrich believes it could work, however he noted that even if the driveway exit would get a minimum amount of GREEN time, it would still get 4 seconds of YELLOW and 2 seconds of RED every time the light cycles through. Mr. Heinrich noted that this alternative would require a modification of the Traffic Signal Permit Plan, and would require the installation of video detection system for the driveway instead of installation of magnetic detector loops, which would require paving of the driveway at an additional expense.. Supervisor McIlhinney wondered what the cost might be for these suggested modifications versus realigning the intersection itself. Supervisor McIlhinney asked if H & K had escrowed funds for the traffic signal installation, and if so, what those funds amounted to. Mr. Wynn replied that no dollar amount was specified in the agreement with H & K, only that they agreed to install the signal if the Township applies for the permit from PennDot. Lengthy discussion occurred. Mr. Heinrich was directed to prepare a revised plan for the Board's consideration, and to prepare a cost analysis of the two proposals.

3. Authorize advertisement of Public Hearing for consideration and adoption of proposed Billboard Ordinance – Following the Hilltown Planning Commission's review and suggestions for relevant revisions, Solicitor Grabowski explained that the Municipalities Planning Code specifies that any substantive language change required additional review by the Bucks County Planning Commission. At Solicitor Grabowski's request, the BCPC has agreed to place this Ordinance review on an expedited schedule.

Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to authorize advertisement of a Public Hearing for the proposed Billboard Ordinance for a future meeting once all review and advertising requirements have been satisfied as per the Municipalities Planning Code. There was no public comment.

F. NEW BUSINESS:

1. Authorization to advertise bid for Digital Video & Recording Security System for Municipal Building – During the 2009 Budget process, discussion took place concerning the installation of a new Digital Video & Recording Security System for the entire municipal complex, since the present system is no longer functioning properly. Mr. Christman advised that \$12,000.00 was budgeted for this project.

Since funds were appropriated for this project in the approved 2009 Budget, Supervisor Manfredi felt it was unnecessary to seek Board authorization to bid this project. Supervisor McIlhinney disagreed, noting that the Supervisors should be informed of the bid process at a public meeting. Further, he would prefer to know what specific equipment was being bid, along with an explanation as to why the equipment is required at this time. Chairperson Salvadore believes that Mr. Christman, being well aware of the very tight budget the Township is facing for 2009, was simply informing the Board when a big ticket item was about to be bid. She did agree,

however, that more detail should be provided to the Board. Supervisor Manfredi was comfortable with Mr. Christman's judgment to move forward with the bidding process, and noted that the Board would have the opportunity to reject or to accept a bid once submitted. Lengthy discussion occurred.

Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to authorize advertisement of a bid for Digital Video and Recording Security System for the Municipal complex. There was no public comment.

2. Discussion of amendments to the Park Use and Regulation Ordinance – A draft of the proposed amendments to the Park Rules and Regulations Ordinance as prepared by Mr. Wert was presented for the Board's consideration. Mr. Wert noted that the amendment would address the use of lights, which have been installed on the basketball courts, and would also address specific regulations concerning the disposal of animal waste; a matter that had been brought to the Board's attention by Mr. Casper at a previous meeting. Chief Engelhart has reviewed it and provided his comments, however Mr. Christman is not certain the amendment has been reviewed by the Township Solicitor.

Supervisor Manfredi stated that specific hours for the use of lights during the summer and fall are delineated in the Ordinance. Since changing those specific hours would require amending the Ordinance, which can be a lengthy and costly procedure, Supervisor Manfredi requested that Solicitor Grabowski suggest language which would provide more flexibility.

Supervisor McIlhinney referred to Section 3, Item 21 with respect to noise, which states "Noise: No person shall play or cause to play any radio, phonograph, tape recorder, television, stereo, or any electronic device, etc., in a loud or boisterous manner which tends to disturb or annoy any visitor within the park system." He felt that this language is very subjective as to what noise may or may not "offend" someone, and therefore suggested that Solicitor Grabowski revise that language as well.

Supervisor McIlhinney also referred to Section 5 regarding 'Reservation for Specific Use' which provides for residents and Township-based organizations and/or teams having priority for the use of all park amenities. That section goes on to state "All reservations shall be on the first come, first serve basis, based on the following: 1) by annual permission granted by the Township Administration for the scheduling of various league games, etc. 2) for school or college athletic games, practice, contests, or exhibitions, 3) for regularly scheduled school district or municipal recreation programs, 4) by permission granted by the Board of Supervisors for specific requested use not referenced in above items 1 through 3." Supervisor McIlhinney did not feel the Township residents would get priority use of park amenities once items 1 through 3 above are satisfied. Chairperson Salvadore agreed.

The Board members agreed to provide their individual written comments and suggestions to Mr. Wert prior to the June 22nd meeting.

Supervisor McIlhinney recently received correspondence from a resident about to reach retirement age, expressing concern with the possible additional cost to taxpayers due to the expansion of recreational programs. A year ago, once the various recreational programs had been instituted by the new Park and Recreation Director, Supervisor McIlhinney had requested that verification be provided that these recreational programs paid for themselves at no additional cost to the taxpayers. Mr. Christman assured the Board that the cost of all recreation programs are self-sustaining, and further noted that no Township monies are being expended to fund the recreation program. Supervisor Manfredi asked if Supervisor McIlhinney is referring to any overhead costs as well. Supervisor McIlhinney replied that that the Director of Parks, Recreation and Open Space is not included because he is a member of the Township staff, and he felt reassured that the individual participants are paying for the actual recreation activities, not taxpayer funds.

G. BOARD MEMBER COMMENT:

1. Supervisor Manfredi asked when the Board could expect to review the updated Open Space Plan. Mr. Wert is presently compiling and analyzing over 1,000 survey results (a 23% response rate), and those results will be incorporated into the Open Space Plan as soon as feasibly possible. Supervisor Manfredi had hoped that the Open Space Plan update would be presented in May, and would like to see it completed as soon as possible. Mr. Wert believes that it can be completed in July.

It is Mr. Christman's intent to schedule a discussion of the survey results at the next worksession meeting. Supervisor Manfredi requested that the Board have the opportunity to review the results prior to it being scheduled for public discussion.

Mr. Wert was very pleased with the response to the over 30 different recreational programs available at this time, all of which are advertised on the Township website, and referred to on notification road signs that have been strategically placed throughout the Township.

2. Chairperson Salvadore asked the status of the JAG grant due May 18th. Mr. Christman advised that paperwork had been submitted, and the Township is receiving that funding.

H. PUBLIC COMMENT:

1. Mr. Matthew Gallagher, a resident of Silverdale Borough, complained about a Hilltown Police Officer's conduct during and following a recent traffic stop. The officer later came to Mr. Gallagher's home at approximately 9:30PM, to criticize his wife for driving below

the posted speed limit on Rt. 113. He noted that he and his wife had been pulled over five times in one week for driving too slowly. Mr. Gallagher, who is blind, believes that his wife is very cautious while driving due to a serious accident they were involved in several years ago, however to his knowledge, there is no posted minimum speed for Rt. 113. Mr. Gallagher was also very displeased with what he perceives as the officer's lack of respect and treatment of him as a disabled person. When he attempted to address his concerns with Chief Engelhart two weeks ago, Mr. Gallagher felt he was disrespected then as well. Mr. Gallagher stated that police officers are hired to "protect and serve" the whole community, not just certain individuals, and that he expects professionalism from the police department.

The Board directed Mr. Christman to address Mr. Gallagher's complaint with Chief Engelhart and the officer involved, and then report back to the Board of Supervisors.


2. Mr. Larry Woodward, President of the Hilltown Township Volunteer Fire Company, requested that the Supervisors consider waiving building permit fees for the reconstruction and renovation of the fire house. The building permit amount is \$1,540.00. Supervisor McIlhinney asked why Mr. Woodward felt the fee should be waived. Mr. Woodward replied that it is taxpayer's money, and in his opinion, it would just be going from one pocket to another. Supervisor McIlhinney cited the Township's recent donation to the Hilltown Fire Company toward this very reconstruction project, an amount which was over and above the donation that normally would have been provided for the year.

The Board agreed to add this request to their next meeting agenda for consideration.

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

J. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously, the May 28, 2009 meeting of the Hilltown Township Board of Supervisors was adjourned at 9:29PM.

Respectfully submitted,



Lynda Seimes

Admin. Asst. to Township Manager

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