

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, March 24, 2008
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:00PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Secretary/Treasurer
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Administrative Asst. to the Township Manager

A. CHAIR ANNOUNCEMENTS:

1. Chairman Manfredi announced that the Board met (or will meet) in Executive Session on the following dates:

- Saturday, March 15, 2008 to discuss employment matters
- Immediately following this meeting to discuss real estate and litigation matters.
- Saturday, March 29, 2008 to discuss personnel and real estate matters.

2. A Conditional Use Hearing has been scheduled for this evening at 8:00PM to consider a request from Cricket Communications for an F6 Communications Tower and Cellular Telecommunication Facility Use, with an antenna to be attached to the existing water tank owned by North Penn Water Authority located in the Light Industrial Zoning District on Clearview Road.

3. The 2008 Southeastern PA Household Hazardous Waste and Computer Recycling Program dates/times and locations have been set. The closest location is the Upper Bucks Vo-Tech School located at 3115 Ridge Road and is scheduled for June 21, 2008 from 9AM to 3PM. For additional locations and dates, or for more information as to what products are included, please visit our website at www.hilltown.org or contact the Township administrative office during normal business hours.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

1. Approve Minutes of the March 10, 2008 Supervisor's Meeting.
2. Approve Bills List dated March 25, 2008.

3. Accept Solicitor's Report.
4. Accept PECO/McGowan Lot Line Adjustment Mylars for Signature.

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

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

1. Gane (Minor) Subdivision - Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve the Gane Subdivision Cash Escrow, Subdivision Agreement, and Stormwater Facilities Maintenance and Monitoring Agreement. There was no public comment.

E. PLANNING -- Mr. C. Robert Wynn, Township Engineer --

1. Solar Atmospheres Land Development (Preliminary/Final) -- Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Solar Atmospheres Land Development plan, pending completion of all outstanding items as noted in Mr. Wynn's February 11, 2008 review, and to include contribution fee in-lieu-of sidewalk installation and stormwater management capital fee as noted above. There was no public comment.

F. ENGINEERING -- Mr. C. Robert Wynn, Township Engineer --

1. Forest Road Park Stabilization Bids -- Proposals for Bid #2008-1 were opened on March 18, 2008, with the following results:

- Ken Chwal Hydroseeding, LLC	\$ 51,495.00
- J.F. Landscaping	\$ 64,300.00
- Land-Tech Enterprises, Inc.	\$ 74,875.62
- Haines Paving & Landscape, Inc.	\$ 98,788.93
- J. Margerison Landscaping, Inc.	\$104,983.80
- Haines and Kibblehouse, Inc.	\$135,431.34

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to award Bid #2008-1 for Forest Road Park Stabilization to the lowest bidder Ken Chwal Hydroseeding, LLC in the amount of \$51,495.00, as noted above. There was no public comment.

2. Hilltown Crossings Land Development- Mr. Marc Kaplan, legal counsel for the applicant, was in attendance to present the plan. Mr. Wynn's correspondence dated March 4, 2008 regarding the proposed plan revision was discussed. Hilltown Crossings Land Development (Wal-Mart Expansion) received conditional final plan approval by the Supervisors on September 24, 2007. Subsequent reviews by PADEP and the US Army Corps. of Engineers includes requirements to modify the stormwater management proposed for the site. Specifically, the US Army Corps. of Engineers requires that a small amount of stormwater runoff be permitted to drain through the Village of Line Lexington in the natural channel. Several years ago, a resident(s) diverted the runoff that previously discharged through the swale and ultimately beneath Hilltown Pike near the Fire Station into the stormwater management basin on the Hilltown Crossings Land Development site. The basin, having been previously over-designed, managed all of the runoff. The reconfigured stormwater basin is designed as a wetland type basin to handle all of the tributary runoff, discharging to a stormsewer system beneath Route 309. PennDot has agreed to accept the runoff through their stormsewer system having been convinced that it will not overload the existing collection system.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to accept the revisions as recommended by Mr. Wynn in the March 4, 2008 review letter, and to grant the necessary plan approval to the Hilltown Crossings (Wal-Mart Expansion) Land Development, as noted above. Prior to a vote, public comment was heard.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if the water would flow beneath Hilltown Pike. Mr. Wynn replied that it would flow near the fire company where the drainage channel comes through. Mrs. Teed asked if the flow would be regulated so that particular area of Hilltown Pike will not flood in the future. Mr. Wynn explained that it would be regulated to a trickle, and that the area on Hilltown Pike would not flood from runoff from this upgrade site.

There was no further public comment. Motion carried unanimously.

3. Pompei Subdivision- This subdivision consisted of seven lots located on Seven Corner Road, with improvements including re-grading of the right-of-way, installation of a paved pedestrian path, installation of street trees, resurfacing of Seven Corner Road, and on-lot stormwater management facilities. The 18-month maintenance period expires on March 25, 2008, and recent inspection indicates that there are minor items requiring repair, including street tree maintenance/replacement, erosion within the right-of-way, and sealing of minor cracking within the pedestrian path. Improvements are guaranteed by an Evergreen Letter of Credit in the amount of \$31,937.51.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to deny acceptance of completion of the maintenance period for the Pompei Subdivision, as noted above. There was no public comment.

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

1. Civic Field Basketball Courts- Mr. Wynn provided the Supervisors with an excerpt of the plan that has not yet been finalized for installation of two lighted basketball courts at the Civic Park, to include installation of a 89 ft. wide paved path from the parking area through the site (between the basketball courts and baseball field) to the rear walking path. The plan proposes two lighted basketball courts with low impact surfaces, and extension of the paved path between the basketball court area and the baseball field. The Board directed Mr. Wynn to review this proposal with the Township Planner, Ms. Stern-Goldstein.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize advertisement of bids for the Civic Field Basketball Courts as noted above, for possible award at the April 28, 2008 Board of Supervisors meeting. There was no public comment.

2. Street Tree Replacement – Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to authorize the replacement of street trees as necessary and as recommended by Mr. Wynn, with funds to be utilized from the Street Tree Fund. There was no public comment.

G. UNFINISHED BUSINESS:

1. Interviews of Two Candidates for Vacancy Board – Mr. Joe Marino of Redwing Road and Mr. John Bender of Quarry Road were interviewed separately by the Board of Supervisors for the position of Vacancy Board.

****8:00PM – Following interviews with both candidates, Chairman Manfredi recessed the meeting at 8:00PM in order to enter into Executive Session to discuss a possible appointment to the Vacancy Board.**

****8:06PM – The regularly scheduled meeting of March 24, 2008 was reconvened at 8:06PM.**

Regardless of who is selected for this position, Supervisor McIlhimy commented that both individuals were highly qualified to serve on the Vacancy Board.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint Mr. John Bender to a one-year term on the Vacancy Board. There was no public comment.

****8:08PM – Chairman Manfredi recessed the regularly scheduled meeting of March 24, 2008 at 8:08PM in order to enter into the advertised Conditional Use Hearing for Cricket Communications for an F6 Communications Tower and Cellular Telecommunication Facility Use.**

Solicitor Grabowski explained that the Hearing was advertised pursuant to the requirements of the Zoning Ordinance. Proof of Publication is on file at the Township office. The Board accepted an Affidavit of the Zoning Officer indicating that he had appropriately posted a Notice of Pending Conditional Use Hearing upon the property. The Board also accepted the Affidavit of Lisa Faust indicating that she sent a copy of the Legal Notice to all of the individuals listed by the Applicant as being adjacent property owners. Lastly, the Board accepted into the record a copy of a March 10, 2008 review letter of Hilltown Township Engineer, C. Robert Wynn Associates, Inc., as well as the applicant's application and Exhibits A-1 through A-7.

The applicant's legal counsel, Ms. Beatrice Lemanowicz, Esquire, was in attendance to present the proposal. The following witnesses for the applicant were in attendance – Mr. Brian E. Seidel of Seidel Planning and Design, and Mr. Paul Couvrette. Both witnesses were sworn in and both testified that the information presented in Exhibit form and the information presented by the offer of proof by Attorney Lemanowicz was accurate.

Mr. Wynn's review dated March 10, 2008 was discussed. The application proposes installation of tank-mounted antennas on both North Penn Water Authority tanks located with access to Clearview Road. The total site area is approximately 0.6 acres and is located within the Light Industrial Zoning District. In addition to the installation of the antennas, the project includes installation of a 4 ft. by 8 ft. equipment platform, new electrical and telephone services, and associated appurtenances located within a 10 ft. by 20 ft. lease area between the existing water tanks. Access to the site is via a stone driveway from Clearview Road. As the telecommunication facility is unmanned, no water or sewer facilities are required or proposed to serve the telecommunication use.

Public Comment: None.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to grant Conditional Use approval to Cricket Communications subject to the following conditions:

- The three (3) antennas proposed by the applicant shall be attached to the existing water storage tank currently owned by the North Penn Water Authority located upon Tax Map Parcel No. 15-1-65-1; and said antennas shall be attached at a height no greater than 95 ft. on said tower.
- In accordance with Section 160-23.F(6)(d){2} of the Hilltown Township Zoning Ordinance, design information associated with the proposed equipment building shall be submitted to the Township to verify that the equipment, and/or building is at the minimum height necessary to house equipment of the facility.
- In accordance with Section 160-23.F(6)(d){8} of the Hilltown Township Zoning Ordinance, approval is hereby conditioned upon agreement by the applicant to promptly remove its facility should it cease to use such facilities for receiving a transferring telecommunications signal.
- The proposed improvements have been determined to cause only a “de minimis” increase in stormwater runoff; and as a result, the applicant has offered a fee of \$2,000.00 in lieu-of stormwater management facilities (as determined by Hilltown Township Stormwater Management Ordinance and its regulations); and said fee shall be paid at the time of application for the appropriate zoning permits and building permits.
- Additionally, Applicant has agreed that it will comply with the requirements of the Hilltown Township Engineer’s letter of March 10, 2008, which is hereby incorporated by reference.

Motion carried unanimously. There was no public comment.

****NOTE:** A fully executed copy of the Adjudication for Cricket Communications, Inc. is attached to the original minutes as filed in the official minute book of Hilltown Township.

****8:27PM – Chairman Manfredi adjourned the Conditional Use Hearing for Cricket Communications, Inc. and reconvened the regularly scheduled meeting of March 24, 2008 of the Hilltown Township Board of Supervisors at 8:27PM.**

H. NEW BUSINESS:

1. Consider having the question of issuing bonds for the purpose of acquiring open space placed on the November 2008 ballot; and Consider having the question of asking if up to 50% of all open space monies received could be spent for recreation

improvements upon open space placed on the November 2008 ballot—For a number of years, Chairman Manfredi has advocated the issuance of bonds for the purpose of acquiring open space in order to maintain and preserve the rural character of Hilltown Township. Given the properties that are available and the current real estate market, Chairman Manfredi believes that now is the time to consider these two important issues and put them on the November 2008 ballot for vote by the residents of this Township.

While Supervisor Salvadore agrees with the concept, she feels there are many questions to be answered before moving forward.

Supervisor McIlhinney is opposed to borrowing funds without first determining which specific parcels would be purchased and their specific proposed uses. He commented that there are many Hilltown residents living on fixed incomes, and cited the loss of tax revenues on open space land purchases. Supervisor McIlhinney is also opposed to purchasing open space that cannot be used by all the residents of the Township, such as those parcels that might be purchased for their scenic vistas but are not proposed for active or passive recreation. Chairman Manfredi disagreed, noting that there is value in viewscapes and in agricultural properties, as well as in recreational open space properties. Lengthy discussion occurred. The Board advised that the new Township Manager and professional staff will be directed to prepare an Analysis of Feasibility on these two issues and to develop a comprehensive plan for consideration by the Supervisors within 90 days.

Public Comment:

1. Mr. Joe Marino of Redwing Road felt the Township should take advantage of utilizing Bucks County Open Space funding.
2. Mrs. Jean Bolger of Rt. 152 personally views the definition of “open space” as open, natural property, not for its recreational potential. That being the case, Mrs. Bolger would like to see a percentage of that open space land remain natural and untouched. Supervisor McIlhinney believes that the Township should be utilizing a majority of the land it has already acquired for parks and recreation purposes such as playgrounds, athletic fields, walking trails, etc.
3. Mrs. Judy Greenhalgh of 874 Blooming Glen Road supports preservation of the rural character of the Township, however the question of spending up to 50% of open space monies toward recreation improvements, in her opinion, would defeat that purpose. She reminded the Board that recreational use would be expensive, due to maintenance costs, security issues, vandalism, etc. Mrs. Greenhalgh would be leery to support any referendum without knowing exactly what the Board of Supervisors what is intended for those properties.

4. Mr. Henry Rosenberger of Rt. 113 feels that preserving open space is one of the most important issues facing this Township. He stated that he would continue to support farmland preservation and referred to the advantages of local farming. Mr. Rosenberger noted that Berks County has preserved 54,000 acres with a goal of 200,000 acres, while Bucks County has only preserved 10,000 acres. Discussion took place.

5. Mr. John Bender of Quarry Road recognized that Hilltown Township has the lowest bond debt as compared to surrounding municipalities, and commended the Board of Supervisors for that. Rather than floating new bonds, Mr. Bender suggested consideration be given to extending the existing bonds, possibly at a lower rate. He was also pleased to see that the Board is considering re-visiting the current Open Space Tax.

6. Mr. Jim Groff of Fairhill Road asked how much the Township is permitted to borrow. Chairman Manfredi replied that there is a borrowing limit, all of which would be discussed in greater detail once the feasibility study is presented to the Board of Supervisors. If this avenue were to be pursued, Mr. Groff noted that there is significant cost involved with procuring a bond issue. Mr. Groff asked if tax millage would be increased. Chairman Manfredi replied that nothing has yet been discussed or decided, however it has been his thought over the years to utilize the existing revenue stream to pay down the short-term debt.

When and if the Township borrows money, Mr. Groff asked if those funds can be used to maintain existing recreational facilities, or if it could only be used to construct new recreational facilities. Mr. Groff and others who spoke before him expressed concern with the cost of maintenance of recreational open space. Chairman Manfredi explained that once the staff's Analysis is complete, the issue of the percentage of active recreation open space versus the percentage of passive open space would then come into play.

7. Mrs. Kathy Donovan of Fairhill Road lent her support to purchasing additional open space, however she personally would be in favor of as little recreational open space as possible, with the preservation of viewscapes and open land being her preference.

8. If 50% of all open space monies received can be spent for recreation improvements upon open space, Mrs. Jean Bolger of Rt. 152 again questioned the Board's intentions as to specifically what the 50% of funding would be spent on. Chairman Manfredi commented that it would be his preference that the Township fund open space purchases with Open Space funding and fund the recreational facilities with Parks and Recreation funding.

There was no further public comment.

2. Consider adopting Blooming Glen Village Study Committee Mission Statement- The Board agreed that this issue should be placed on the April 14, 2008 meeting agenda for consideration, at which time appointments may be made to the Blooming Glen Village Study Committee as well.

3. Consider creating Parks, Recreation, and Open Space Committee – Chairman Manfredi presented a draft Resolution for the Open Space Committee to combine the two committees for the Board's review. The Board agreed that this issue should be placed on the April 14, 2008 meeting agenda for consideration.

4. Authorize sending draft Traditional Neighborhood Design Ordinance (as proposed by Township Planner) and draft Non-Residential District Zoning Amendments (as proposed by Township Planner) to Engineer, Solicitor and Hilltown Planning Commission for review – The Board of Supervisors unanimously agreed to authorize forwarding the draft Traditional Neighborhood Design Ordinance and the draft Non-Residential District Zoning Amendments to the Township Engineer, Township Solicitor and Hilltown Planning Commission for review.

5. Consider hiring of Township Manager – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2008-8, to appoint Mr. Christopher S. Christman to the position of Township Manager, conditioned upon the employment agreement being finalized within the next two weeks, and to establish Mr. Christman's salary at \$95,000.00 per year.** There was no public comment.

Mr. Christman thanked the Board of Supervisors for the opportunity to serve Hilltown Township, noting that he is looking forward to working with the staff and the Board of Supervisors.

I. BOARD MEMBER COMMENTS: None.

J. PUBLIC COMMENT:

1. Mrs. Alicc Kachline of Mill Road noticed that the Board has mentioned a public golf course several times recently, and hopes they intend to pursue a public golf course on the former Berry Brow property. She would prefer the least amount of tax dollars for recreational open space, and would support farmland preservation and traditional passive open space.

2. Mrs. Helen Jagger of Hatfield Township expressed concern with the proposed construction of a Catholic high school at the intersection of Rt. 152 and Rickert Road, and the resulting traffic congestion. Mrs. Jagger has conducted an informal traffic

count at Lansdale High School's current campus. She discovered that 398 passenger vehicles plus 39 buses accessed the site on a daily basis; a number that she believes will increase at the Hilltown location since there would be little or no walking population as there is at the present school campus.

Chairman Manfredi met with representatives of the Arch Diocese, asking if they would be interested in pursuing the construction of a high school complex in another location. He also suggested that they hold "town hall" type meetings to gain public opinion prior to moving forward with the land development process. The Township Engineer has met with the applicant's engineer for preliminary discussions with more to follow, and at some point, it is anticipated that the Arch Diocese will make formal submission for an escrow meeting with the Township's professional staff.

Chairman Manfredi felt it was important to note that the Arch Diocese purchased the property at the intersection of Rt. 152 and Rickert Road many, many years ago, at which time a school or institution was, and continues to be, a permitted use; a use that the Arch Diocese is still entitled to pursue under Zoning requirements. Discussion continued.

3. Mr. Ed Donovan of Fairhill Road referred to caravans of dump trucks that he has seen on Hilltown Pike near Diamond Street traveling at very high rates of speed, and wondered how many tickets have been issued to dump trucks. Chief Engelhart stated that the police department has received numerous complaints about speeding dump trucks in the past, but has since discovered that due to the truck's size and the noise that they make, they were not in actuality traveling over the speed limit. Discussion took place.

K. PRESS AND MEDIA TIME: A conference was held to answer questions of those reporters present.

L. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously, the March 24, 2008 Hilltown Township Board of Supervisors meeting was adjourned at 9:29PM.

Respectfully submitted,


Lynda Seimes

Administrative Assistant to the Township Manager

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