

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, August 27, 2007  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:38PM and opened with the Pledge of Allegiance.

Also present:           John B. McIlhinney, Vice-Chairman  
                              Barbara A. Salvadore, Supervisor  
                              Kenneth B. Bennington, Township Manager  
                              Christopher Engelhart, Chief of Police  
                              Francis X. Grabowski, Township Solicitor  
                              C. Robert Wynn, Township Engineer

**A.    ANNOUNCEMENTS:**

1.     The Board of Supervisors met in Executive Session on the following dates:

- August 3, 2007 - to discuss personnel and employment matters.
- August 27, 2007 - prior to this meeting to discuss an employment matter.
- August 27, 2007 - immediately following this meeting to discuss personnel and employment, litigation, and real estate.

2.     There was a moment of silence to mark the recent passing of Mac Jacobs, long-time president of the Telford Fire Company.

3.     Three Public Hearings are scheduled to consider the following Ordinances at 8:00PM this evening:

- Revising Section 160-23.F (6) – Communication Towers/Cellular Telecommunications Facilities.
- Use B2 and B 4 Ordinance Amendment (Section 160-23.B (4) – Removing these two uses from the Village Center District.
- Municipal Waste Ordinance – Bucks County Municipal Waste Management Plan Revision.

**B.    PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.**

**C.    CONSENT AGENDA:**

- Minutes of the July 23, 2007 Supervisor’s Meeting.
- Bills List dated August 28, 2007.
- Treasurer’s Report dated July 31, 2007

- Solicitor's Report.
- Mylars for Signature – Malin Subdivision

Motion was made by Supervisor McIlhinney to accept and approve the Consent Agenda as noted above. Supervisor Salvadore seconded the motion, with the following correction to page 10 of the July 23, 2007 meeting minutes, which should state, "Supervisor Salvadore advised that the final report on Emergency **Medical** Services would be discussed at a meeting to be held on August 1, 2007." Motion carried unanimously. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

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

1. Wimmer/Lare Lot Line Adjustment (Road Frontage Easement Agreement) – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2007-20, accepting the Road Frontage Easement Agreement for the Wimmer Lare Lot Line Adjustment.** There was no public comment.

2. Malin Subdivision (Subdivision Agreement, Road Frontage and Stormsewer Agreement) – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to **adopt Resolution #2007-21, accepting the Road Frontage Easement Agreement, and the Subdivision/Land Development Agreement and Stormsewer Agreement for the Malin Subdivision.** Prior to a vote, Supervisor McIlhinney requested confirmation of the lot line delineation, which was provided by Mr. Wynn. After discussion, motion carried unanimously. There was no public comment.

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

1. PECO/McGowan Lot Line Adjustment (Preliminary/Final) – At their meeting of August 20, 2007, the Planning Commission unanimously recommended preliminary/final plan approval to the PECO/McGowan Lot Line Adjustment Plan, subject to satisfactory completion of Items #2 and #3 of the July 25, 2007 engineering review. The Planning Commission also recommended approval of waivers requested by the applicant and as referenced in Item #1 of the July 25, 2007 engineering review.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant conditional preliminary/final plan approval to the PECO/McGowan Lot Line Adjustment Plan subject to satisfactory completion of Items #2 and #3 of the July 25, 2007 engineering review. There was no public comment.

G. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Diamond Street/Orchard Road Traffic Signal – Correspondence was received from PennDot advising that traffic signal warrants have been met at the Diamond Street/Orchard Road intersection. The Board unanimously agreed to authorize Mr. Wynn to prepare and provide to PennDot, a condition diagram in electronic format for the Diamond Street/Orchard Road Traffic Signal.

2. Supervisor McIlhinney asked the status of PennDot's response to the Township's request to reconsider newly adopted regulations prohibiting the use of the shoulder of the road at the intersection of Rt. 113 and Diamond Street. Mr. Bennington advised that PennDot has agreed to retract the signage as well as the crosshatch markings at that intersection.

Chairman Manfredi explained that a very productive meeting was recently held with Mr. Patel of PennDot, which may have facilitated the two above-noted items, as well as additional requests and suggestions for various locations throughout the Township.

3. Bennett/Orleans Sketch Plan – Correspondence dated June 22, 2007 concerning a plan showing some alternate streetscape details and open space concepts for the Bennett Tract was discussed. The letter indicates that revisions were made based upon previous discussions with the Supervisors. The proposed roadways are depicted with 28 ft. wide cartways within a 50 ft. right-of-way. Supervisor McIlhinney's previous suggestions for a stabilized shoulder parking area in selected areas where sidewalk can logically be deleted was taken into consideration. This overflow parking in lieu-of sidewalk is provided along the internal loop formed by the retained Bennett dwelling and village green, as well as along portions of the road extensions to Keystone and Fairhill School Roads. The resulting 8 ft. stabilized turf shoulder fits within the 50 ft. right-of-way when sidewalk is deleted. Should the right-of-way width be deemed inadequate, the applicant noted that expansion to a 56 ft. width would consume an additional 0.7 acres of the site area, which is a calculation that interested certain members of the Board. The applicant also proposed privatization of certain open space areas deemed by the Board to be remnant areas. With that reallocation of open space, Lots #8, #9, and #10 have expanded envelopes that could accommodate a larger dwelling and could contribute to enhanced values albeit at a slight reduction in available open space. Discussion took place.

It was the consensus of the Board that the plan has been conceptually revised to address many of the concerns and issues previously expressed by the Supervisors. The Board also agreed that additional curb be eliminated with sidewalk on one side, with an increase in the extent of the stabilized turf shoulder. Additionally, it was noted that the path proposed from the parking area to Fairhill School Road should be located to the west

toward the multi-use field to allow a larger open area and a possible additional multiuse field on the east side of the path.

The plan was tabled pending revisions.

**\*8:00PM – PUBLIC HEARINGS - Chairman Manfredi recessed the regularly scheduled meeting of the Hilltown Township Board of Supervisors in order to enter into an advertised Public Hearing to consider the adoption of three Ordinances – (a) Cell Tower Zoning Ordinance Amendment, (b) B2 and B4 Ordinance Amendment (Section 160-12.B (4), and (c) Municipal Waste Ordinance.**

Solicitor Grabowski explained that the Public Hearings were appropriately advertised in the Doylestown Intelligencer as required by the Municipalities Planning Code, and have been available for public inspection at the Bucks County Law Library, the Intelligencer office and the Township building.

1) Cell Tower Zoning Ordinance Amendment – Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to **adopt Ordinance #2007-12, amending Section 160-23.F (6) F6 Communications Tower and Cellular Telecommunications Facility and to also amend the Table of Use Regulations to state an F6 Use is a non-permitted use in the AQRC District.** Prior to a vote, discussion took place.

Supervisor McIlhinney suggested that the following minor correction be made to Section 1, paragraph 6, which should state “Additionally, applicant must demonstrate by written evidence from a qualified, licensed and professional engineer that, in terms of location and construction, there are no existing towers, communications towers, building, structures, elevated tanks or similar **structures** able to provide the platform for the communications antenna within a one mile radius of the chosen location.”

Public Comment: None.

Motion carried unanimously. There was no public comment.

2) B2 and B4 Ordinance Amendment (Section 160-23.B. (4) - Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to **adopt Ordinance #2007-13, amending Section 160-23.B. (4) Performance Subdivision and to also amend the Table of Use Regulations to provide B2 and B4 as a non-permitted use in the Village Center District.** Prior to a vote, discussion took place.

Public Comment: None.

Motion carried unanimously. There was no public comment.

3) Municipal Waste Ordinance – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to **adopt Ordinance #2007-14, the Municipal Waste Ordinance, repealing or amending provisions of any existing Solid Waste Management Ordinance regulating control of the flow of solid waste materials, providing for curbside collection of waste materials and source-separated recyclable materials, and providing for enforcement penalties for anyone who violates said Ordinance.** Prior to a vote, discussion took place.

Supervisor Salvadore asked who would enforce this Ordinance. Solicitor Grabowski replied that DEP would.

Chairman Manfredi asked if there would be an opportunity for the Board to amend this Ordinance in the future to add language for provider service delivery performance standards. Solicitor Grabowski advised that this Ordinance could be amended, or the Board could create and adopt a separate stand-alone Ordinance in the future.

Public Comment:

1. Mr. Harry Mason of Morgan Lane asked if the Ordinance provides for hours of operation of the trash haulers. Chairman Manfredi replied that there is not, however the Board could create its own Ordinance with those requirements.

Motion carried unanimously. There was no further public comment.

**\*8:18PM – Chairman Manfredi adjourned the advertised Public Hearing, and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors at 8:18PM.**

G. ENGINEERING (Continued) –

4. Penn Foundation (Diamond Street) Subdivision – Public Water and Sewer Service Request - This proposed subdivision is located partially in West Rockhill (15 new townhouse units) and partially in Hilltown (one single-family dwelling and one group home). In January of 2007, the Supervisors granted conditional approval of the plan, with one of the conditions being resolution of the water and sewer facilities to serve the site. The portion located within Hilltown is the jurisdiction of the Hilltown Authority for both water and sewer services, while the portion located in West Rockhill is within the jurisdiction of Sellersville Borough. Sellersville Borough does not have sanitary sewer facilities convenient to the project, and Hilltown Township does not have public water facilities located in close proximity to the project.

Correspondence dated August 9, 2007 from Horizon Engineering was discussed, along with correspondence from Mr. Jim Groff of the Hilltown Authority dated July 23, 2007. Mr. Rod White, the applicant's engineer, was in attendance to address the applicant's request to allow the entire development to be serviced for sewer by the Hilltown Authority.

If the Board agrees to permit Sellersville Borough to serve the site with public water, Mr. Groff's correspondence notes that a Service District Agreement should be executed. Further, Mr. Groff's correspondence indicates that he has discussed the issue with Mr. Frick, the Sellersville Borough Manager, who agrees that it would be prudent for the Hilltown Authority to serve the entire site with public sewer considering the close proximity of HTWSA's collection system to the subdivision.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve the request of the applicant for the Penn Foundation Subdivision authorizing public water service by Sellersville Borough, and public sanitary sewer service by the Hilltown Authority to serve the Penn Foundation Subdivision; conditioned upon the appropriate documents being drafted by the Township Solicitor subject to future review and consideration by the Hilltown Township Board of Supervisors prior to execution of those agreements. There was no public comment.

#### H. OLD BUSINESS:

1. Review and Consideration of Revised Community Event Resolution – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to **adopt Resolution #2007-22, Procedures and Regulations of Hilltown Township concerning use of Hilltown Township local roads for community events.** Prior to a vote, discussion took place.

The Board directed Mr. Bennington to make the following revisions:

- Add **Forest Road** to the listing of approved streets.
- Section #1 – The assembly of Hilltown Township **property owners or their residents** for the purposes of community events shall be permitted **only** on Hilltown Township local residential development streets as determined by the Hilltown Township Board of Supervisors, thereby restricting the use of to the specific streets as named in "Attachment A" attached hereto, **to be revised by general motion, from time to time.**"

- Section #2 – Such events shall require a written letter of application to **Hilltown Township at least forty-five (45) days before the intended date of such event.**
- Section #4 – Said event shall be restricted to **Saturdays, Sundays, or holidays during the calendar year with the time of the event limited from 12:00 noon to dusk local prevailing time, with any request for time periods beyond that to be made of the Board of Supervisors at a Public Meeting.**
- Section #6 – The use of the local street during the event shall be for pedestrian travel **and for service/delivery vehicle traffic only.**
- Section #8 (last sentence) – Notwithstanding the above, the Township reserves the authority to cancel the use of the **street for the event without notice due to an unforeseen emergency.**
- Section #9 – **The property owner (or owners) holding said event shall notify abutting property owners at least 21 days before the intended date of the event;** and the applicant shall provide proof to the Township that individual notification was delivered to each resident on the affected street of the event scheduling. Proof shall be supplied by either a written acknowledgement containing the names of all of the property owners as defined within paragraph 2 hereof, or proof of mailing of same containing a written acknowledgement of said property owner. **Said road closure shall also be advertised on the Hilltown Township website.**

Supervisor Salvadore amended the original motion, which was seconded by Supervisor McIlhinney, to **adopt Resolution #2007-22, Procedures and Regulations of Hilltown Township concerning use of Hilltown Township local roads for community events, with the revised language as amended this evening.** There was no public comment.

I. NEW BUSINESS:

1. Consider appointment of Zoning Officer – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint Ken Bennington, Township Manager, as the Assistant Zoning Officer for Hilltown Township. There was no public comment.

2. Consider adoption of Resolution to provide notice to property owners for removal of trees in right-of-way – Supervisor McIlhinney suggested the following addition to paragraph 4, which should now state “WHEREAS, all logs, cordwood, branch

wood or other forms of wood derived from the destruction or removal of any trees growing along the highways shall be surrendered to and remain the property of the abutting owners, **if desired.**”

Supervisor Salvadore wondered if there is an avenue in place for the abutting property owner to request that a tree surgeon, rather than the Public Works Department, remove the tree. Discussion took place. It was noted that the Township has the right to remove the tree or trees located in its public right-of-way if it is found to constitute a hazardous or dangerous condition to the use of the highway, or if it impairs the use or maintenance of the public road. If, upon notification, an abutting property owner would prefer to absorb the expense of having a tree surgeon or other professional remove the tree or trees, the Board agreed that would be acceptable, provided the property owner, upon taking that responsibility, would execute a Hold Harmless Agreement with the Township.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to **adopt Resolution #2007-23, providing notice to property owners for removal of trees in the right-of-way, with the requested additional language inserted as suggested by Supervisor McIlhinney.** Prior to a vote, the Board accepted public comment and discussion ensued.

Public Comment:

1. Mr. Harry Mason of Morgan Lane asked if this Resolution would include the removal of shrubbery at the corners of intersections, which may impede sight distance, such as that at Orchard Road and Keystone Drive. Chairman Manfredi explained that this Resolution is simply for the notification of abutting property owners of the removal of specific trees which are of a certain diameter and which are located in the Township's right-of-way.

Motion carried unanimously. There was no further public comment.

3. Consider request from Charles Lomax for waiver of Stormwater Management for property located at 826 Dublin Road – Correspondence from Gilmore and Associates, Mr. Lomax's engineer, dated August 20, 2007 was discussed. The existing property (TMP #15-29-106-1) contains 24.998 acres fronting on the north side of Dublin Road. The applicant is proposing the construction of a new dwelling on the site at a location different than the original dwelling, which had been destroyed by fire several years ago. The original condition of the property including dwelling, two garages, three sheds, and associated driveway amounted to 13,940 sq. ft. of impervious surface. The remainder of the property contains woodlands, meadow, and lawn areas. The correspondence further notes that the proposed plot plan shows the removal of two sheds, and portions of the original driveway to accommodate the proposed layout. Mr.



Lomax is seeking waiver of stormwater management requirements. The total proposed impervious surface is 14,455 sq. ft. The difference between the proposed impervious surface and the original is 515 sq. ft. of additional impervious surface. Discussion took place.

While this request is under unique circumstances due to the original dwelling experiencing a house fire, and also due to the size of the site, Mr. Wynn would have no objections to the Board waiving the requirement, however he wished to make it clear that this is a regulated activity based upon the Ordinance.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to grant the request to waive stormwater management requirements for the Lomax property located at 826 Dublin Road, as noted above. Prior to a vote, discussion took place.

Supervisor Salvadore suggested that the Township accept fee in-lieu-of stormwater management requirements. Chairman Manfredi and Supervisor McIlhinney did not agree.

Motion carried unanimously. There was no public comment.

4. Consider request of Haines and Kibblehouse to expand hours of operation of the concrete batch and blacktop plants, and loading/hauling of stone, per Paragraph 10 of the Agreement between the Township and H&K – Correspondence from Haines and Kibblehouse dated August 17, 2007 refers to Paragraph 10 of it's Agreement with Hilltown Township, which permits H&K to request expanded hours of operation due to "unusual bid/contract requirements. The H&K Group is currently involved in assisting Henkels and McCoy in their efforts to relay and replace various pipelines. As part of that process, H&K has been called upon to supply materials where this work is being done at night and on weekends. This need is expected to continue through to the end of the calendar year. No crushing or blasting is involved; simply the normal operation of the concrete batch and blacktop plants, as well as loading and hauling of stone.

Discussion took place. Until such a time as H&K can be more specific as to their requested expanded hours of operation and an anticipated end date, Supervisor McIlhinney would not be inclined to grant the request at this time. The Board directed Mr. Bennington to contact Haines and Kibblehouse to provide additional information including times and hours of operation, and an anticipated end date of the requested extended hours of operation.

5. Consider the appointment of special labor counsel – Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to appoint special labor counsel, Ballard Spahr, Ingersoll and Andrews Limited Partnership of Philadelphia, not

to exceed the PELRAS (Pennsylvania Employment League Relations Advisory Service) member rate of compensation, which is \$300.00 per hour. Prior to a vote, discussion took place.

Public Comment:

1. Mr. Joe Marino of Redwing Road asked if the Township is experiencing any labor difficulties at this time, which may have prompted this action. Chairman Manfredi advised that there is one specific issue that requires special labor law counsel at this time.

Motion carried unanimously. There was no further public comment.

J. SUPERVISOR'S COMMENTS:

1. Since September is "Emergency Management Month," Supervisor Salvadore asked that an item be added to the next agenda for consideration and possible adoption of a Pandemic Influenza Emergency Response Protocol Addendum to the Emergency Management Plan, which has been recommended by Mr. Fegley, Emergency Management Coordinator, and Mr. Loudon, Assistant Emergency Management Coordinator.

2. Chairman Manfredi announced that he intends to reach out to other elected officials of municipalities participating in the PACC (Pennridge Area Coordinating Committee) to schedule a public meeting to address the intermunicipal cooperation and possible formalization of same.

K. PUBLIC COMMENT:

1. Mr. Joe Marino of Redwing Road referred to Bucks County's recent announcement of a grant in the amount of \$250,000.00 toward the purchase of laptops and other electronic equipment for police departments in Pennridge, Yardley, Lower Southampton, and Warminster. He asked if the Hilltown Police Department was considered to participate in this program. Chief Engelhart replied that the Hilltown Police Department did participate

2. Mr. Hans Sumpf, president of the Deep Run Valley Sports Association, thanked Chairman Manfredi and the Board of Supervisors for arranging for the Sonny Hill Basketball Team to participate in an all-star game with a team from DRVSA, and for scheduling a one-day basketball clinic at the Hilltown Civic Park on Wednesday, August 29<sup>th</sup>.

Mr. Sumpf invited the Board to attend Deep Run's opening day of soccer scheduled for September 8, 2007.

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

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously the regularly scheduled meeting of the Hilltown Township Board of Supervisors of August 27, 2007 was adjourned at 9:19PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from tape recordings taken by Mr. Ken Bennington, Township Manager, and are not considered official until adopted by the Board of Supervisors at a public meeting).