

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, August 28, 2006
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:32PM and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman
Barbara A. Salvadore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairman McIlhinney announced that the Board met in Executive Session prior to this meeting in order to discuss personnel.

A. ANNOUNCEMENTS:

1. West Creamery Road, between Telegraph Road and Callowhill Road will be closed into the beginning of this week due to construction; and the intersection of Telegraph Road and West Creamery Road will be closed for approximately one week due to construction.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. APPROVALS: Action on the minutes of the June 9, 2006 Supervisors Special Meeting; minutes of the June 12, 2006 Supervisors meeting; and minutes of the August 14, 2006 Supervisors meeting; as well as the Bills' List dated August 29, 2006 – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to approve the three sets of meeting minutes and the Bills List as listed above. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Village at Dorchester –Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to accept the Agreement of Modification for the Village at Dorchester development. There was no public comment.

2. Traynor Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Traynor Subdivision Development and Financial Security Agreement; and to **adopt Resolution #2006-38, accepting the Road Frontage Easement Agreement for the Traynor Subdivision, as noted above.** There was no public comment.

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

1. Sperling Tract Subdivision (Preliminary/Final) – Due to the absence of the applicant's representatives, the plan was tabled.

2. Petteruti Land Development Sketch Plan – At their meeting of June 19, 2006, the Planning Commission reviewed the Petteruti Sketch Plan for development of the parcel located at the intersection of Rt. 152 and Mill Road. Discussion took place concerning Mr. Wynn's engineering review of the sketch plan dated June 12, 2006, along with the June 19th Planning Commission meeting minutes. Mr. Ed Wild, the applicant's legal counsel, along with Mr. and Mrs. Michael Petteruti, Mr. George Donovan, the architect, and Mr. Windsor Tracy, the applicant's engineer, were in attendance to present the plan.

This 2.306 acre parcel located at the northwest corner of the intersection of Mill Road and Rt. 152 within the VC District is proposed to be developed for a retail store (E1) and single-family detached dwelling (B1) uses. The site contains an existing single-family detached dwelling located at the intersection of Rt. 152 and Mill Road. An existing barn is proposed to be converted into a retail store for specialty food sales. A 13 space parking area with driveway access along Rt. 152 is proposed to serve the retail store. In addition to existing structures, the site contains areas of mature vegetation and two accessory structures. The existing dwelling is currently served by an on-lot well and on-lot sewage disposal facility. The applicant's request for waivers of road improvements notes that any required improvements at the intersection of Rt. 152 and Mill Road would encroach within a few feet of the existing dwelling, and that widening along Mill Road would potentially cause the removal of large existing mature trees. There are 13 parking spaces, including one handicapped accessible space proposed to serve the retail store, as well as the existing dwelling. Parking calculations included with the sketch plan indicate that 20 spaces are required to serve the retail store and dwelling, however seven parking spaces are proposed to be held in reserve and not constructed at this time.

After much discussion, the Supervisors encouraged the applicant to consider additional landscaping, and construction of a sidewalk or walking path in order to provide for a more walkable community in the VC District. Generally, the Board did not oppose the access from Rt. 152, however they suggested that the proposed driveway access be moved further north from the intersection of Rt. 152 and Mill Road in order to address

safety concerns. The Supervisors also expressed concern with the request for reduction of parking, and the proposal for the parking area to remain in gravel.

3. Hawk Valley Estates – Resolution for Planning Modules – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-39, to forward Planning Modules for the Hawk Valley Estates Subdivision to PADEP for review.** There was no public comment.

4. Guttman Tract Subdivision (Preliminary) – Mr. Ed Wild, the applicant's engineer, was in attendance to present the plan. This plan was recommended for preliminary approval by the Planning Commission at their meeting of August 21, 2006, based upon the August 14, 2006 engineering review, and with the additions/modifications as noted in Mr. Wynn's engineering memo to the Board of Supervisors dated August 22, 2006.

Mr. Wynn explained that all of the open space, including the pond, the area in the center of Road B, the area along Green Street and the detention basins would be owned and maintained by the Homeowner's Association. The area from the stream channel up to and including the park area would be open space owned by the Township. The Supervisors felt that a public water fountain should be installed in the open space/recreational area of the site.

Mr. Scott Guidos, the applicant's engineer, stated that the plan presently shows 22 permanent parking spots, with the potential for 32 additional reserve parking spaces. The Board of Supervisors felt those additional parking spaces should be required at this time. Mr. Guidos advised that the applicant would be willing to do so if the parking area could be placed in stone in order to eliminate additional impervious surface. Supervisor Manfredi suggested that consideration be given to steel grid systems that provide the appearance of grass, but with the structural integrity of a parking lot while eliminating the impervious surface issue. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary plan approval to the Guttman Tract Subdivision, pending completion of all outstanding items as noted in the August 14, 2006 engineering review, with the modifications/additions as noted in the August 22, 2006 agenda memo from C. Robert Wynn Associates. There was no public comment.

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

1. Wellhead Protection – Mr. Mark Fornier, Telford Borough Authority Manager, was present to discuss the desire by TBA for the Township to adopt Wellhead

Protection Zoning Overlay regulations. Mr. Fornier presented a copy of Ordinance 321 adopted by Telford Borough, as an example of a Wellhead Protection Ordinance. The Board agreed to take this matter under advisement.

2. First Service Bank Land Development Revision – The applicant has requested that the solid vinyl fence currently located along Rt. 113 be replaced with a combination of 52 shrubs consisting of green velvet boxwood, emerald gold euonymus, gold tipped Alberta spruce, and rose glow Japanese barberry. The height at the time of installation is proposed at 12” to 18” for the boxwood, euonymus, and barberry, with the Alberta spruce having a minimum height of 24” at installation. Ms. Brenda Hobbs, landscape architect for the applicant, was in attendance to discuss the plan.

The Board of Supervisors felt that the shrubs should be at least 30” tall at time of installation to serve the purpose of blocking the headlight glare from the First Service Bank parking lot to those motorists traveling along Rt. 113 or Bethlehem Pike. The Board was agreeable to removing the fence and directing the applicant to plant mature 30” tall shrubs in its place.

Public Comment:

1. Mr. Mark Fornier of Telford Borough Authority advised that the planting area in question is located right on the edge of one of TBA’s easements. Mr. Wynn explained that the planting area is located between the curb and the sidewalk, where the fence is presently located, and is the only area that a planting can be accomplished.

3. Wagner (Halliday) Land Development Completion of Improvements Request – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to recommend acceptance of completion of the improvements, and commencement of the 18-month maintenance period for the Wagner (Halliday) Land Development, as noted above. There was no public comment.

4. Orchard Hill Subdivision Completion of Maintenance Period Request – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to deny the request by Heritage Construction Company for acceptance of completion of the 18-month maintenance period for the Orchard Hill Subdivision, as noted above. There was no public comment.

5. Heritage Executive Campus Completion of Maintenance Period Request - Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the 18-month maintenance period for improvements at the Heritage Executive Campus, as noted above. There was no public comment.

6. Summer Lea Completion of Improvements Request – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of improvements at the Summer Lea Subdivision, noting that the applicant intends to provide new financial security for use during the maintenance period. There was no public comment.

7. Hilltown Ridge Plan Revision and Resolution of Hilltown Ridge Drainage Issues – Mr. Wynn received correspondence dated July 28, 2006 from the David Cutler Group, advising that excess fill material has been generated as a result of rock blasting activity within Phase II of the subdivision, and due to topographic limitations associated with lot grading and roadway construction, the developer is unable to utilize the excess fill material within the site. As an alternative to hauling excess material offsite, the developer desires to place excess fill material (approximately 7,000-8,000 cubic yards) within the 150-acre open space lot dedicated to the Township at the rear of Lots #52 through #55. Based on a computer generated “cut/fill” rendering submitted by Allan Myers Contractors, Inc., it appears that the extent of fill material will coincide with an existing tree row located approximately 100 ft. to the rear of the lots along the south side of Berry Brow Drive. The developer notes that design slopes at the rear of Lots #52 through #55, which are established having a slope of 3:1, would be made more gradual by the addition of fill material, thereby facilitating easier maintenance of the sloped area.

At the request of several development residents, Supervisor Manfredi and Mr. Wynn investigated this site relative to the drainage ditches and swales that were to be installed at the rear of the dwellings and along the sides of the homes. Correspondence dated August 21, 2006 from McBride and Murphey, the applicant’s legal counsel, was received in response to correspondence dated July 11, 2006 to the David Cutler Group from some of the affected homeowners. Mr. Wynn explained that initially, the stormwater was to flow between each lot and around the dwellings so that it would not collect on one lot, which is clearly what is happening at this time. As a way to rectify the situation, the developer has proposed to re-grade the swales on the lots with topsoil and matting, and has advised that this would be accomplished in September.

After discussion, the Supervisors decided to deny the developer’s request to permit the fill material to remain on the Township open space, and also directed the David Cutler Group to come into immediate compliance with the approved plans by providing a satisfactory resolution to the stormwater issue.

Public Comment:

1. Mr. Frank Kiwak of 3215 Berry Brow Drive noted that the pile of fill on Township open space is located directly behind his home, which is causing an great deal of stormwater flow on his property, thereby creating a deep rut.

2. Mr. Jeff Clair of 3217 Berry Brow Drive recently asked representatives of the David Cutler Group when the pile of fill would be removed, however he was not given an answer.

3. Mr. Douglas Arnold of 3223 Berry Brow Drive questioned what specific action would be taken to resolve the drainage problems. His rear yard contains a very steep slope, which he would like to be partially removed so that the yard is more usable. Mr. Wynn explained that the lots on the south side of the road that abut the fill pile extend beyond the property boundary and were actually graded to the right-of-way. Therefore, by removing the fill, some of that plateau would be removed and cut back so that the yards only extend to the property monuments.

4. Mr. Rich Grzczowski of 3206 Berry Brow Drive took measurements from the side of his home where the developer proposes to install a swale to mitigate the flow of stormwater from the neighboring property. He found that there is 11 ft. from the edge of the neighbor's home to Mr. Grzczowski's driveway edge, which has a 33-inch drop, and does not understand how it would be possible to accomplish that. Due to grading at the side of the dwellings and landscaping that was previously installed on some sites, Mr. Wynn advised that the ability to install a swale has been eliminated, and therefore, it may not be possible to install a swale without significant alteration of landscaping.

5. Mrs. Cynthia Paulits of 3204 Berry Brow Drive asked what will be done to resolve the problem if it is not possible to install a swale along the side of the homes. Mr. Wynn noted that an alternative would be the installation of a drainage system. He explained that between each lot on the upper side, an inlet has been placed at the property boundary. There were many more inlets installed than required in the event that there would be a drainage problem because the houses were relatively large as compared to the lot size, and due to additional landscaping and grading. Mr. Wynn envisions that a pipe would be run underground from the inlet to a lawn inlet in the rear area of the driveways where the water currently gathers. This would then collect the water and prevent it from continually flowing from one property to the next as it makes its way down the hill. Mr. Wynn noted that this solution would work during normal rainfalls, but might not during extremely high storms when all areas experience flooding.

Mr. Wynn intended to contact the developer tomorrow to advise that they must immediately remove the fill pile that has currently been placed on the Township's 150-acre open space parcel; and further, at the Board's direction, direct the developer to immediately come into compliance with the approved plan with respect to stormwater runoff to the satisfaction of the Township Engineer.

8. CVS Pharmacy Completion and Acceptance of Improvements Request – Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi, to

accept completion of public improvements and commencement of the 18-month maintenance period for the CVS Pharmacy located at Rt. 113 and Rt. 313, subject to \$72,941.47 being retained to commence that maintenance period.

Public Comment:

1. Mr. Joe Marino questioned the "Welcome to Hilltown Township" sign that has been erected at the site, which to his knowledge was not the sign that was originally approved by the Board of Supervisors. Supervisor Salvadore advised that the Board of Supervisors had since approved a slightly revised sign.

Motion passed unanimously. There was no further public comment.

9. Landscaping Request – Mr. Wynn provided the Board with a sketch drawing of proposed buffer plantings along the east side of the Municipal Building site, tree installation/proposal form, and a bidders list. The proposal also includes replacement of three dead street trees in Country Roads, one open space tree in Orchard Glen, two open space trees in Longleaf I, and six basin plantings in Hilltown Chase. He noted that the trees in Hilltown Chase would be paid with funds from that subdivision escrow account. Landscaping at the Township building and the replacement trees in the older developments would be paid from the Tree Capital Fund.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the bidding process for the landscaping as noted above by Mr. Wynn. There was no public comment.

10. Former Municipal Building Roof Replacement – The Township, using Community Development Block Grant funds, bid to replace the slate roof on the former municipal building located in the village of Blooming Glen. The Township, at the behest of former Supervisor Jack Fox, had specified the use of Pennsylvania slate, which had been purchased from a quarry near Pittsburgh. Unfortunately that quarry experienced serious flooding in May, and there is not enough demand to manufacture additional roof slate at this time. Another quarry located in Wind Gap manufactures Pennsylvania slate, however it is softer and is not normally used for roofing materials. Mr. Wynn presented a slate sample from Quebec, which was used in the restoration of the Baltimore and Ohio rail stations, and has been approved for use by the federal government. After contacting the Bucks County Office of Community Development, Mr. Wynn was advised that federal requirements permit the replacement of one type of slate for another using CDBG funding.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the use of Quebec slate in place of Pennsylvania slate to

complete the Former Municipal Building Roof Replacement project using Community Development Block Grant funding as noted above. There was no public comment.

H. OLD BUSINESS: None.

I. NEW BUSINESS:

1. Bid #2006-9 –Paving Project – Bid Award – One Bid was received and opened on Friday, August 25th:

Blooming Glen Contractor's Inc.

875 Tons of Leveling Course and Super Pave	\$54.80/ton	\$ 47,950.00
3,200 Tons of Wearing Course and Super Pave	\$54.65/ton	\$175,973.00
1,000 Ft. Neat Cut	\$ 5.65/ft.	\$ 5,650.00
2,250 Sq. Yds. 7 ft. Wide Milling	\$ 1.80/sq. yds.	\$ 4,050.00
8,600 Ft. Double Yellow Line Striping	\$.30/ft.	\$ 2,580.00
	TOTAL:	\$236,203.00

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to award Bid #2006-9 (Paving Project) to Blooming Glen Contractor's Inc. in the total amount of \$236,203.00, as noted above. There was no public comment.

2. Notification of the Annual Minimum Municipal Obligation for the year 2007 for the Non-Uniform and Uniform Pension Plans was presented to the Board via memo from Mrs. Leslie, Township Treasurer, which is required to be provided to the Board of Supervisors by September 31st of every year. The grand total of Minimum Municipal Obligation for the Uniform Pension is \$233,208.29, and the grand total of Minimum Municipal Obligation for the Non-Uniform Pension is \$64,659.08.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to acknowledge the notification of Annual Minimum Municipal Obligation for the year 2007 for the Non-Uniform and Uniform Pension Plans as noted above. There was no public comment.

3. Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-40 naming Township Manager Ken Bennington as the agent representing the Township for PEMA financial storm reimbursement.** There was no public comment.

Supervisor Manfredi commended the efforts of Mr. Bennington and Mr. Buzby to obtain financial reimbursement for the storm damage sustained by the Township these past few months.

4. Correspondence was received from H & K Quarry requesting authorization to extend the hours of operation of the asphalt plant in order to adhere to a specific state contract project on Rt. 309 in Richland Township. H & K proposes the commencement of nighttime asphalt plant operation from August 29, 2006 extending approximately one month to terminate on or about September 29, 2006. Although the quarry is requesting an operational period of one month, it is anticipated that only approximately 12-15 actual working days will occur within the said one-month period. Mr. Bennington referred to language in the recently adopted Agreement between Hilltown Township and Haines and Kibblehouse, Section 10.1 – Hours of Operation, which states “H & K may request temporary expanded hours of operation because of unusual bid/contract requirements, such request to be made to the Board of Supervisors of Hilltown Township, which Supervisors shall not unreasonably withhold such permission.” Mr. Bennington advised that the extended hours would be from 5:00PM until 4:00AM.

Since there is no requirement to notify the surrounding property owners, Supervisor Salvadore suggested that notification be posted on the Township website.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the extension of hours of operation of the asphalt plant at the H & K Quarry for the period as specified above for the specific state contract project on Rt. 309 in Richland Township, and to notify the general public of this extension of hours through the Hilltown Township website. There was no public comment.

5. Mr. Bennington presented the Supervisors with a copy of the final draft agreement for the Verizon Cable Television Service for review. The Board of Supervisors directed Mr. Bennington to obtain the Verizon Agreement that was recently negotiated with the Bucks County Consortium.

Public Comment:

1. Mr. Bill Godek expressed concern that Chairman McIlhinney did not ask for public comment prior to the vote regarding the extension of hours of the H & K Quarry asphalt plant. Chairman McIlhinney apologized, stating that it was an oversight, and invited Mr. Godek to state his public comment at this time. Mr. Godek was upset that the Public Comment Rules, which are clearly marked on the agenda and recently adopted by this Board, were not adhered to.

Mr. Godek commented that with the extended asphalt plant hours, the neighboring property owners would be disturbed with truck and vehicle noises throughout the night. He asked what the volume of truck traffic might be during the extended hours, and wondered if the neighboring residents would be breathing the supposed "non-toxic" fumes due to these increased activities. Chairman McIlhinney acknowledged that the neighboring property owners would most likely hear noises during the extended hours of operation, but did not know what the increased volume of truck traffic might be. He reminded Mr. Godek that H & K is permitted to extend their asphalt plant operation hours via terms of the Agreement.

2. Mrs. Victoria Brady lives next door to the H & K Quarry, and feels that a mailing should be sent to the neighboring property owners advising of the intent to extend its hours of operation at the asphalt plant. The Board felt that Mrs. Brady's request was reasonable, and directed Mr. Bennington to contact Haines and Kibblehouse to see that the neighbors of the quarry receive proper notification of the extended asphalt plant operation.

J. MYLARS FOR SIGNATURE: Traynor Subdivision.

K. SUPERVISOR'S COMMENTS: None.

L. PUBLIC COMMENT:

1. Mr. Wayne Rankin presented copies of a petition signed by residents of Rosenberger Lane, a private road, who have been adversely affected by drainage problems resulting in damage to drainage swales, driveways, etc. incurred as a result of improper filing of permit obligations by a neighboring property owner, Cheyenne Enterprises. These conditions precipitated the issuance of a Stop Work Order when the home being constructed was approximately 60%-70% complete. However, shortly after Cheyenne Enterprises paid their escrow, the Stop Work Order was lifted, even though little was done to mitigate stormwater runoff problems at the site and along Rosenberger Drive. Mr. Rankin's daughter lives on Rosenberger Drive and has personally experienced stormwater runoff damage due to the actions of Cheyenne Enterprises. Mr. Rankin believes there are problems with the timeliness of how escrow funds are collected and permits are processed by the Township. Mr. John Thomas of the Bucks Conservation District and Mr. Tim Fulmer of the Township Engineer's office, are expected to provide reports to the Rosenberger Drive residents. The residents of Rosenberger Drive asked the Board of Supervisors to grant authorization for the Zoning Officer and Township Engineer's office to investigate the matter further

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize Mr. Wynn to visit the site and investigate the issue of Cheyenne Enterprises on Rosenberger Drive. There was no public comment.

2. Mrs. Alice Kachline of Mill Road requested authorization to establish and man a voter's registration and absentee ballot table in the Municipal Building lobby during the last two days of this month during the discount period, when many residents visit the Tax Collector's office to pay school taxes. Discussion took place. The Board denied Mrs. Kachline's request, and directed Mr. Bennington to place a table in the Municipal Building lobby with the proper voter's registration forms and absentee ballot forms available for residents to obtain at their leisure.

3. Mrs. Jean Bolger of Rt. 152 took exception to Chairman McIlhinney's insinuation that Mrs. Kachline, by her request, intended to "coerce" residents to register for a certain political party.

4. Mrs. Kathy Donovan, a resident and member of the Pennridge School Board, was in attendance on the School Board's behalf to seek the Board's consideration of waiving permits, licenses, and/or connection fees for the extension of public sewer to serve the Seylar Elementary School on Callowhill Road. After discussion, the Board advised Mrs. Donovan that this request must be made of the Hilltown Township Water and Sewer Authority, not the Board of Supervisors.

5. Mr. Hans Sumpf, representing Deep Run Valley Sports Association, invited the Board of Supervisors and the general public to attend Deep Run's opening day ceremonies at their complex on Callowhill Road on Saturday, September 9, 2006, beginning at 9:00AM for the soccer program, and at 11:00AM for the dedication and remembrance ceremony honoring the late Deep Run president, Mark Phipps.

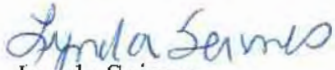
6. Mrs. Alice Kachline of Mill Road resented Chairman McIlhinney's earlier comment inferring that she might attempt to coerce someone to register to vote with a certain political party.

7. Mrs. Vicky Brady agreed with Mr. Godek's earlier comments that the Board of Supervisors should have sought public comment prior to the vote concerning H & K Quarry's request to extend their asphalt plant operation hours. Chairman McIlhinney assured Mrs. Brady that it was not deliberate on his part, and apologized that he did not ask for Public Comment prior to the vote.

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

N. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the August 28, 2006 Board of Supervisors meeting was adjourned at 9:55PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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