

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, APRIL 28, 2014**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:00PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Richard Schnaedter, Chief of Police Christopher Engelhart, Township Solicitor Stephen Harris, and Township Engineer C. Robert Wynn.

1. ANNOUNCEMENTS:

a) **Chairman McIlhinney announced the Board of Supervisors met in Executive Session prior to this meeting and will meet again after this meeting to discuss legal matters.**

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONSENT AGENDA:

- a) Minutes of the March 24, 2014 Supervisor's Meeting
- b) Bills list dated March 26th – April 11th, 2014
- c) Bills list dated April 16th – April 25th, 2014

Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept and approve items a) through c) on the Consent Agenda with the exception of one correction on the March 24, 2014 minutes. On page two, Confirmed Appointment (a), the correct spelling of the last name of the former Supervisor is "Bennett". There was no public comment.

4. CONFIRMED APPOINTMENTS:

a) Dave Taylor – TMP Parcel No. 15-032-019 (American Olean Landfill) – Mr. Taylor stated the Township received notice from Bucks County that the property had been seized for failure to pay back taxes and that that the County was preparing to accept a bid of \$500.00 for the sale of property. Mr. Taylor explained the parcel is a remnant parcel created as a byproduct of the Reserve at Hilltown Ridge subdivision (Berry Brow) and it appears to have been the Township's intent to see this property deed restricted against any further development. It appears that the final step of including the restriction in the new deed for this property may not have been accomplished. After discussion by the Solicitor, motion was made by Supervisor

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Bennington, seconded by Supervisor Groff, and carried unanimously, for Manager Schnaedter to send objection of the sale to the County in writing on the basis that the property is restricted from further development. There was no public comment.

b) William P. Gralski, P.E. – Weiss Market #227 (Bedminster Township) – John Luciani and Alexander Orobia were present in regards to the Weiss Market proposed at the intersection of Route 113/313. The improvements are consistent with the Delaware Valley Regional Planning Commission Congestion and Crash Site Analysis prepared for the intersection and includes the widening of Route 113 within Hilltown Township to provide a dedicated right turn lane, left turn lane, and thru lane. Per Robert Wynn's letter dated 4/23/2014, the proposed street improvements will add approximately 6,319 SF of impervious surface within Hilltown Township. Due to the de minimums nature of the stormwater increase, a waiver of Stormwater Management Ordinance Section 134-12 (peak rate control) and Section 134-17 (volume control) has been requested by the applicant along with the authority to use the right-of-way. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to approve the modification to Stormwater Management Ordinance requirements with a note that final review and approval of the treatment of stormwater runoff is subject to approval by PennDot, and PADEP through issuance of the NPDES permit, and to authorize the further review by the solicitor for the deed of dedication of the right-of-way that the Township owns. There was no public comment.

c) Jack Wuerstle, Esq. – Hillside Estates Subdivision – Jack Wuerstle Esq. was in attendance to represent Greg & Jane Wuerstle in regards to the Hillside Estates Subdivision. The applicants are proposing that the existing approved preliminary plan be revised so that the development is reduced from four (4) lots to two (2) lots and that, with the reduction in density, the improvement costs associated with developing the land are also reduced. After a brief discussion, the Board of Supervisors stated they had no objection and to re-submit revised plans for review.

5. LEGAL: Solicitor's Report –

a) Attorney Steve Harris stated he attended the Bialowas Zoning Hearing for the proposed second dwelling unit and the Zoning Hearing Board denied the application.

b) Attorney Steve Harris prepared a preliminary set of objections in regards to the Think Green Litigation and will have Manager Schnaedter sign the verification. It will be filed in the next day or two.

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6. PLANNING: C. Robert Wynn Associates:

a) Hilltown Walk Subdivision Record Plans (Mylars for Signature) – Robert Wynn stated there were no outstanding items and requested the Hilltown Walk Subdivision record plans be executed.

b) Bunch-Heldler-Harrison Subdivision Record Plans (Mylars for Signature) – Robert Wynn requested the Bunch-Helder-Harrison Subdivision record plans be executed but noted the plans will not be released for recording until the PennDot permit is received. Robert Wynn also noted that the developer records plans at the County.

7. ENGINEERING:

a) Diamond Street/Orchard Road Traffic Signal – Revised PennDot Procedures - Robert Wynn stated PennDot has new procedures for the submission of applications for traffic signals which includes a resolution signed by the Township Manager has to be attached to the application, along with the engineering study. Motion made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, for the Township Manager to execute Resolution #2014-11 and attach it to the application. It was also noted to hand write the street names, Diamond Street and Orchard Road, on the bottom of the resolution. There was no public comment.

b) Possible Neshaminy Creek Sediment Pollution Reduction Project – Robert Wynn stated in August of 2012, the Board approved submission of a request to renew the NPDES permit for stormwater relation for the MS4 program and to follow the procedures established by DEP. The permit has not been received yet. Mr. Wynn contacted DEP and they said that the permit is coming. The year nine and year ten reports have been received. In regards to Neshaminy Creek, the Township is required to give a strategy which includes: continuing using the Stormwater Management Ordinance, inventory of control measures, retrofitting basins, increase street sweeping, and establishing and protecting forest buffering. Mr. Wynn suggested improvements to reduce sediment loading over a multiple year period and out in saplings to re-forest it, remove the pond and restore the channel, and a forest stewardship plan prepared for the wooded portion of the watershed. Grant money is available for projects of this nature. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, for Mr. Wynn to seek proposals for a forest stewardship plan. There was no public comment.

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c) Galway Farm Subdivision – request to extend the completion deadline – Robert Wynn stated that the developer has submitted a written request for extension of the timeframe for a one year period to allow additional time to complete remaining site improvements required by the approved plan and the development/financial security agreement. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to grant the one year extension for the Galway Farm Subdivision. There was no public comment. Supervisor Bennington stated a Waste Management permit application was received and wanted Mr. Wynn to be aware of it.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Youth Aid Panel – There are two applicants for the Youth Aid Panel. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, for Carol Sturges and Eugene Leffever to be appointed to the Youth Aid Panel. There was no public comment.

b) H&K Quarry – The Township received a request for extension of operating hours for April & May, 2014 – both concrete/asphalt batch plants. H&K has requested to operate 6:30 pm to 6:30 am, Monday through Saturday for the months of April and May. It was noted this request was received in late April. Supervisor Bennington requested that H&K be told that these requests be made in a timely matter. Motion was made by Supervisor Groff, and seconded by Supervisor McIlhinney, to approve the increased hours of operation for H&K Quarry according the request letters for the months of April and May. The motion was approved 2-1 with Supervisor Bennington having the dissenting vote. There was no public comment.

c) Fire Panel – Billing Ordinance – Jim Gallagher, president of the Perseverance Volunteer Fire Company, spokesperson for the fire companies, gave a presentation in regards to an ordinance to allow the fire companies to bill insurance companies for recovery of cost associated with fire, rescue and hazmat service under the following terms: 1. Only insurance companies will be billed and only when a claim is opened up by the home owner. 2. At no time will an individual ever be billed for services. 3. Whatever the insurance pays, the fire company will except as full payment. Some policies have fire service limits and some no coverage at all. 4. If

there is no coverage for fire service or if there is a limit on the policy, the fire company received no payment. Enclosed in the packet that was given to the Supervisors, was a list of municipalities that already have ordinances in effect along with copies of the ordinances. This costs the Township nothing to do this ordinance. Also included in the packet was the legal documentation pertaining to the ordinance. Supervisor Bennington stated he would like to see the solicitor draft an ordinance for the May meeting. Discussion ensued regarding the payment to the secondary vs the primary fire company, the legality of the ordinance, and the Township insurance company stance that they will not defend the Township. Attorney Harris stated he would be happy to look at court cases regarding this ordinance and provide an opinion. Supervisor Bennington wanted clarification that if the Township passes the ordinance, no one will go after the homeowner or his/her insurance company. Mr. Gallagher confirmed. Supervisor McIlhinney stated he is concerned over the legality of the ordinance. Attorney Harris questioned how the bill gets generated. Mr. Gallagher responded that there is a fee schedule for each department. Attorney Harris stated he will provide an opinion, in writing, by the next Board meeting. Supervisor Groff questioned the success rate without the ordinance and Mr. Gallagher stated it was 45% to 50% success rate. What the insurance company pays, the fire company accepts. Mr. Gallagher stated Souderton brought in approximately \$10,000.00 last year. Attorney Harris stated regardless of the ordinance to pass fire billing, the hazmat ordinance needs to be brought up to date.

d) Authorization to engage the firm of Edward G. Browning for appraising (3) properties – Supervisor Bennington questioned if feedback was received back from Bucks County in regards to funds for Hilltown Township. Supervisor McIlhinney stated that the Township would hear back by the end of the week. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize the firm of Edward G. Browning to appraise the property located at 1119 Broad Street, Perkasio, and the adjacent property located on Broad Street. Motion was made by Supervisor Bennington, seconded by Supervisor McIlhinney, to authorize the firm of Edward G. Browning to appraise the property located at 953 Callowhill Road. Motion passed 2-0-1 with Supervisor Groff abstaining from the vote. Supervisor Bennington also added that both appraisals not to exceed \$6,600.00. There was no public comment.

e) Salary adjustments request – Manager Schnaedter discussed the transition has gone very well since the Board elected to eliminate the position of Township Secretary and re-distribute the duties and responsibilities of the position to other members of the staff. He would like the Board

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to consider the increase of compensation to the Secretary Receptionist and the Finance Director of \$5,000.00, retroactive to January 1, 2014. With the exception of recording the minutes, the cost of \$90,000.00 has been eliminated. Motion made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to increase the salary in the amount of \$5,000.00 to the Secretary Receptionist and the Finance Director. There was no public comment. In addition, the Township has had some substantial winters. The public works director is a salary position and has been working well beyond the scheduled 40 hours per week and would like to make a recommendation that his salary receive a one-time bonus of \$7,500.00 for the several years of time he has put into his position. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to give a one-time bonus in the amount of \$7,500.00 to the public works director. There was no public comment.

f) Invitation to participate in Bucks County's Hazard Mitigation Plan – Manager Schnaedter stated a memo was received by Lynn Bush, Executive Director of the Bucks County Planning Commission, to participate in Bucks County's Hazard Mitigation Plan. This is an opportunity to join a county wide proposal and would like to recommend to the Board that the Township participates in this proposal. Manager Schnaedter stated that the Township received approximately \$32,000 from Hurricane Sandy. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to adopt Resolution 2014-12 for Hilltown Township to participate in the Bucks County's Hazard Mitigation Plan. There was no public comment.

10. SUPERVISOR'S COMMENTS: Supervisor Bennington attended the Hilltown Township Easter Egg Hunt and would like to thank the administrative staff for participating as well as the Key Club from Pennridge High School. Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously, to make a donation in the amount of \$100.00 to the Key Club of Pennridge High School. There was no public comment. Supervisor Bennington questioned the version of Windows in the Township since there are no longer any updates for Windows XP.

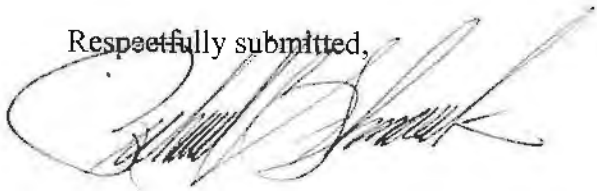
11. PUBLIC COMMENT:

12. PRESS CONFERENCE: No members of the press were present.

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13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the April 28, 2014 Hilltown Township Board of Supervisors Meeting was adjourned at 8:30PM. The Board of Supervisors went into Executive Session to discuss legal matters.

Respectfully submitted,



Richard C. Schnaedter
Township Manager/Secretary

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