

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, JANUARY 27, 2014

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:05 PM 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, Township Engineer C. Robert Wynn, and Township Treasurer Lorraine Leslie.

1. ANNOUNCEMENTS:

a) The Board of Supervisors met in Executive Session prior to this meeting to discuss personnel.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONSENT AGENDA:

a) Minutes of the January 6, 2014 Supervisor's Reorganization Meeting

b) Bills list dated January 1st – January 24th, 2014

Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept and approve the Consent Agenda with the following corrections in the Minutes: 1. Page 8053 (J) – third line should read “Non-Uniform” instead of “Police” 2. Page 8055 (W) – third line should read “John Wietecha” instead of “John White”. There was no public comment.

4. PLANNING: Mr. C. Robert Wynn, Township Engineer –

a) Ivy Hill Equestrian Facility Planning Module – Mr. Wynn stated Bucks County Planning Commission, Bucks County Health Department, and the Township have approved the Planning Module but the resolution needs to be executed. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to adopt Resolution #2014-10 in regards to the Ivy Hill Equestrian Facility Planning Module. There was no public comment.

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5. ENGINEERING: Mr. C. Robert Wynn, Township Engineer –

a) Mill Road Bridge Replacement Project & Agreement – Mr. Wynn stated that the Mill Road Bridge Replacement project is on “winter hiatus” and work has been stopped for some time, the pumps have been removed, and the stream has been filled up and is frozen. Mr. Wynn provided a copy of Invoice #1 Progress Release Request from McCormick Taylor in addition to payments to Blooming Glen Contractors with the contract of \$601,000. There is also a contract the Township executed with McCormick Taylor for contract administration and inspections in the amount of \$96,318.92. Mr. Wynn also stated that these invoices are 95% paid by PennDot. Lorraine submits the invoices to PennDot and does not pay the invoice until she receives the money. The Township pays 5% of the invoice. No action is needed at this time from the Board. Supervisor McIlhinney questioned if the extremely cold weather would affect the northern abutment wall that was poured and not backfilled. Mr. Wynn stated the footer is backfilled but not the back of the wall.

b) Neshaminy Creek Sediment Reduction Plan for Municipal Implementation – Mr. Wynn provided copies of the second draft of the Neshaminy Creek Sediment Reduction Plan for Municipal Implementation which is being prepared by the Bucks County Planning Commission for all the municipalities within the Neshaminy Creek Watershed and is being prepared like a comprehensive plan to assist municipalities with Neshaminy Creek in both Bucks and Montgomery County with the NPDES requirements to reduce sediment floating within the watershed. It covers many different sub watersheds two of which are within Hilltown Township. The two studied are the ones that include the area that drains toward the flood dam along 309 and also the area of Berry Brow Development. No action is required at this time. Mr. Wynn stated he received the third draft of the plan and will provide additional information before the next Board meeting. Eventually the Bucks County Planning Commission desires that all the municipalities endorse the plan, officially, to assist the Neshaminy Creek Watershed, in its entirety, on receiving possible grants for sediment reduction. This will be done by resolution. Supervisors Groff stated many of the implementations that they are looking to do is currently being done in Hilltown Township. Mr. Wynn stated the Township, with Board approval, will need to submit a specific plan to reduce sediment within the Township. The plan could possibly change each year. The new NPDES permit requires the plan to be submitted in the first year and a report in the third and fifth year.

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Public Comment:

1. Supervisor Bennington questioned the detour of Green Street for four months. It was stated that the detour was removed.
2. Supervisor Bennington questioned who is responsible for the closure of Rickert Road. Supervisor McIlhinney stated that the bridge is a County bridge and the County said that it would take approximately two years to complete. The County said that it was not historical but it apparently it is being looked at again and run through the Pennsylvania Historical Society. The Township has not been told when it is going to open. The Township Manager was asked to contact the County for additional information by the next meeting.
3. Joe Marino, Redwing Road, stated that there is another bridge on Schwenkmill Road that is a wooden bridge with metal planks. An emergency vehicle damaged the bridge a year ago and the County stated they would replace it by November 2013. The Township Manager was asked to go to the County to talk to someone and get a status.

6. UNFINISHED BUSINESS:

a) Bucks County Open Space Program – Manager Richard Schnaedter stated there is a preliminary application that was submitted to Bucks County for the municipal Open Space Program. The Township is looking to get a ruling if the proposal is acceptable to the County. The deadline for the formal application isn't until December 31, 2014 but wanted to go through the process and have the Commissioners and Open Space Committee comment on it and determine the eligibility. Once the County okay is received, a formal application will be submitted. The grant application will allow the Township to complete the walking path, the parking area, the picnic pavilion, baseball and softball fields, alternate access, and landscaping at Forest Road Park. The preliminary estimated total that is being requested is \$694,493 for the total project. The Township's portion will be 25% which totals approximately \$800,000 for the project. Mr. Wynn stated the money will finish the ball fields, provides the second access to Minsi Trail, provides the pavilion, benches along the path, the parking lot, buffering along Blooming Glen, and landscaping that is required by the NPDES permit. No additional soccer fields are proposed. Mr. Wynn stated that the basin has to be modified along with the culvert that needs replacement. No action was taken. There was no public comment.

7. NEW BUSINESS

a) ZHB Application – Elizabeth Nicholas – Zoning Officer, Dave Taylor, stated that the applicant has retained an approximate seven acre parcel from the Berry Brow Subdivision. It contains a single family dwelling and several barns that has been used as a mini storage. The barn has about 25 bays and assumes that each bay is rented out. The Nicholas family intends to sell the property and asked to have the use endorsed. Mr. Taylor stated that he refuses to do this because the record plan contains notes specifying the lot is to be a single family dwelling lot and is deed restricted from further subdivision. The Nicholas family is requesting that the Zoning Hearing Board recognize the non-conforming use and/or are asking for a variance for that use. Mr. Taylor feels, as Zoning Officer, that the Zoning Hearing Board does not have jurisdiction on the matter and the note on the plan is a contractual deed restriction on the lot. Solicitor Harris stated that they are allowed to ask for a variance but the Zoning Hearing Board does not have the power to interpret. Solicitor Harris stated that the Board of Supervisors can let the Zoning Hearing Board decide the matter or have representation at the Zoning Hearing Board hearing and take a position that it is a single family lot and it should remain that way. Supervisor McIlhinney questioned that if the property is allowed to be used as a mini storage, could the owner knock down the barn and open it all up to a mini storage. Solicitor Harris stated that there are rules in the Zoning Ordinance that states when a non-conforming use is taken down, there are limitations on your ability to put it back in place. After discussion, it was determined the Board of Supervisors will send Solicitor Harris to the Zoning Hearing Board hearing to state that they support the variance and the buildings cannot be torn down, replaced, etc.

8. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington requested the Manager to schedule a meeting of the fire panel to discuss issues with the fire companies.

2. Supervisor Bennington received a complaint about geese and questioned if anything could be done. Manager Schnaedter stated that he talked with someone about geese and the person was not interested in the several remedies that were suggested.

3. Supervisor Bennington discussed both the Park & Rec Board and the Open Space Board that was put in limbo. The combined Park & Rec/Open Space Board was put in limbo. There is an Easter egg hunt coming up in April and the Fall Festival coming up in the fall and

would like to see the Park & Rec Board re-established and applications submitted by interested individuals to re-start the Park Board and put in place as soon as possible. Supervisor McIlhinney requested Solicitor Harris look at the by-laws for the Park & Rec Board. Solicitor Harris stated he will look at the Ordinances from the previous board and the combined board and will make recommendations at the next Board meeting.

9. PUBLIC COMMENT:

1. Henry Rosenberger, 1239 Route 113, stated he is happy to hear about the Open Space Committee and would like to know what the process is for open space. He submitted an application in April of last year and has had no response to that application. The Township is collecting the tax and should be taking action to utilize it. Supervisor Bennington stated he did not see the application of April 12th of last year, and that he didn't suggest starting up an Open Space Committee, he was suggesting a Park & Rec Board. Mr. Rosenberger stated that taxes have continued to be collected, he has not seen a plan, and it is a very irresponsible approach to continue that unless there is a plan. He sat on one of the first Open Space Committees. They made recommendations and determined where future trails could possibly be. He is open to all of the above and an advocate of Open Space and has seen several thousand acres of land preserved. The more farmland that is preserved, the less houses, police, and services we have. In the survey that was taken in the early 90's or mid 90's, the Township residents very strongly responded to do the Open Space Tax and to keep the Township rural. Mr. Rosenberger encouraged the Board to work actively and offered to be a part of it.

2. Joe Marino stated when the Open Space was implemented years ago, the Township was under siege by developers. There is not that threat now. There needs to be a program that will be fair to all of the landowners, not just those who are interested. Mr. Marino suggested suspending the program until a comprehensive, fair program is put together to give anybody who wants to participate in it the opportunity to do so.

3. Fred Neiman, Pleasant Meadows, stated that he spoke with Township Manager in regards to the lack of picking up leaves especially before the snow storm before New Year's Eve. He was pulling leaves out of the storm sewer and shouldn't be doing the road department's job. He wanted to know if it was possible to pass out a flyer with dates of leaf collection. The Township Manager stated that when the weather gets cold, leaf collection ceases. He will look into putting

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the leaf collection dates on the website and discuss it with the Road Superintendent in regards to timing and equipment and report back to the Board.

4. Rick Lambrecht, Goldenrod Court, stated, in regards to the previous comments concerning the leaves, it was in November and everyone's leaves were piled up on their lawn filling into the curb and that is where they remained during a snow storm right after Thanksgiving. Publishing tentative leaf pick up dates would be appreciated. Also, he was a member of the original Park & Rec Board fifteen years ago when there was a separate Open Space Committee. There was never any problem with the Open Space Committee – they were a recommending body only and never involved in discussing money or privacy issues with the residents. They were two separate committees and it was decided to merge the two. He remained on the merged committee and open space was never discussed. There was no plan and no communication. Supervisor McIlhinney stated recommendations were coming to the Board in regards to certain parcels and, at that time, the combined Park & Rec Board/Open Space Committee were not interested in Park & Rec but very interested in Open Space. Rick requested to know who made the Open Space recommendations at that time that Supervisor McIlhinney was referring to. The Committee asked Bill Wert to provide them with a list of properties that were under consideration but it was never received. Supervisor McIlhinney stated that the Township established that thirty acres was the minimum they wanted to look into for Open Space purposes so there was no reason to accept applications if someone was coming in with a five acre, six acre, or eight acre parcel. They weren't considering those applications because it was not the policy. The policy is still thirty acres and that may change or may not change. Rick stated that they were never shown any applications or documents which showed which people were interested. Supervisor Bennington stated that the Board worked very hard for the Open Space referendum to pass back in the 1990's and was under the assumption that an Open Space Committee would be pro-active and would find residents properties that the Township could buy or buy the development rights for. He stated that the Park & Rec Board and Open Space Committee should not have been combined. He feels that the Board should be re-implemented to see what is out there if anything. If there is nothing out there, then maybe the tax should be suspended or get rid of it all together. Supervisor Groff stated it needs to be discussed and that maybe keep the tax in place but take it to "zero" for a while until the Township figures out what to do with the money they have.

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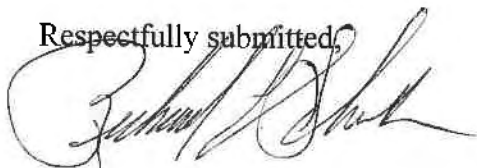
5. Joe Marino stated that the Open Space Committee needs to be pro-active and he has had the programs for twenty five years and anybody can get it. The Chairman of the Open Space Committee would not allow him to talk to homeowners. Joe suggested the Township put together a fair and comprehensive program that has guidelines and rules and implement it with a resolution.

6. Jim McClellan, 307 Fox Lane, suggested the Township move forward to take the opportunity to re-develop the whole program and do it wisely. The Township needs to be looked at as a whole and designate areas that may need space and go after these spaces. He agrees with the tax but the money needs to be spent rather than sitting on it.

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

11. ADJOURNMENT: Before the meeting was adjourned, Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to approve the Sewage Maintenance Agreement to be executed for the Brockett project. Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the January 27, 2014 Hilltown Township Board of Supervisors Meeting was adjourned at 8:19PM.

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).