

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, April 25, 2011  
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:04PM and opened with the Pledge of Allegiance.

Also present were: Barbara A. Salvadore, Vice-Chairperson  
James C. Groff, Supervisor  
Christopher S. Christman, Township Manager  
William E. Wert, Asst. Manager/Director of Parks, Rec. and Open Space  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda S. Seimes, Township Secretary

**A. ANNOUNCEMENTS:**

1. The Board met in Executive Session on Monday, March 28, 2011 to discuss personnel issues; on Monday, April 18, 2011 to discuss legal issues, and just prior to this meeting to discuss personnel issues.

2. A Public Hearing will be held at 7:30PM this evening to consider the adoption of an Ordinance establishing the Hilltown Township Stormwater Management Ordinance.

3. On Saturday, April 30, 2011 at 10AM, the public is invited to celebrate both Earth Day and Arbor Day with a tree planting event at the Forest Road Park. This year, four London Plain trees will be planted along the park's driveway. Participants are asked to bring a round-nosed shovel and work gloves. Forest Road Park is located at 500 Forest Road. Funding for the trees was provided through a grant from the Bucks County Airport Authority.

4. Chairman McIlhinney announced the resignation of Township Manager Christopher S. Christman effective Friday, May 13, 2011.

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

**C. CONSENT CALENDAR:**

- Minutes of March 28, 2011 PC Vacancy Interview Meeting
- Minutes of March 28, 2011 Supervisor's Meeting
- Bills List dated April 12, 2011 and April 26, 2011
- Financial Report dated March 2011

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

D. CONFIRMED APPOINTMENTS:

1. Private Petition for Zoning Amendment – Guttman Tract – Mr. Ed Murphy, the applicant's legal counsel, was in attendance along with Mr. Vince DeLuca, the applicant, to present a request for private petition to amend the Zoning Ordinance to include Residential Use B1A Conservation Management Design Subdivision as a permitted use by-right in the Country Residential (CR-2) Zoning District for the Guttman Tract Subdivision. At the present time, Use B1A is permitted in the RR District. A minimum tract size of 40 acres is required to provide opportunities for larger contiguous areas of open space to be preserved when this development option is used. Mr. Murphy noted that this amendment would give the applicant flexibility to preserve more of the natural features on the site without increasing the density.

Supervisor Groff believes there is merit to the proposal and feels there would be a benefit to the Township professional staff reviewing the applicant's concept.

Motion was made by Supervisor Groff to direct Mr. Wynn, Solicitor Grabowski and Mr. Taylor to review the Zoning Amendment proposal for the Guttman Tract with the three following points in mind – 1) Does the CMD scenario make sense for the property in question? 2) Should consideration be given to permitting the CMD use in both the CR-1 and CR-2 Zoning Districts? and 3) Should the Board consider incorporating the applicant's idea into the CMD Ordinance? Prior to a second and a vote, discussion continued.

Supervisor Salvadore approves of the design proposed for this property, and feels that it makes sense to consider the CMD in the CR-2 district as well. She likes that many of the natural features on the site would be preserved with this cluster-type design, and it appears to her that a majority of the Planning Commission appeared to be very supportive of the applicant's concept when they reviewed it in December.

Chairman McIlhinney advised that when the Guttman Tract was originally zoned RR, the Township was assured by both the developer and the financial institution backing the project that if the site were to be rezoned to CR-2, only 45 lots would be proposed. Therefore, he feels that the Township is going back on its word by reducing the lot sizes to 10,000 sq. ft. and increasing the density to 59 units. When asked the size of the proposed dwellings, Mr. Murphy replied that the average home is estimated to be approximately 2,800 to 3,200 sq. ft. in size.

Supervisor Groff recalled a TND Concept Plan that had been submitted for this site, which proposed very small lots with a density of approximately 130 mixed use units – both residential and commercial. Chairman McIlhinney had fully supported that TND Concept Plan, while Supervisors Groff and Salvadore did not. Supervisor Groff noted that the number of lots proposed with the TND Concept Plan was more than double the density of what is being proposed by this new plan, and wondered how Chairman McIlhinney could justify that.

Supervisor Salvadore seconded Supervisor Groff's original motion, which was amended with the caveat that the review by the Township staff occur within 30 days. Chairman McIlhinncy was opposed. Motion carried 2:1. There was no public comment.

2. Victoria and Melvin Johnson, 200 Beech Lane – Concern regarding their deed restricted property located in Longleaf Subdivision – Mrs. and Mrs. Johnson were in attendance to express concern about approval the Township had given several years ago to the Longleaf Subdivision, which required them, as the purchasers of Lot #26, to own and be responsible for the mowing of a community detention basin (Basin A). Even though there are several properties that also abut Basin A, only the Johnsons, as owners of Lot #26, are responsible for the mowing of the basin. The Johnsons were unaware that they owned Basin A until recently, when their realtor pointed it out to them while going through the process of selling their home. While Mr. and Mrs. Johnson have suffered through the mowing responsibility of Basin A unknowingly for 9 years, they do not wish to pass along that burden to a future property owner. Mrs. Johnson further noted that owning the basin drives up their taxes.

Mrs. Johnson referred to correspondence from Township Engineer C. Robert Wynn dated March 28, 2000 to the Heritage Building Group, Item #8, which states "Additionally Section 516.5.M (3) of the Subdivision Ordinance requires a contribution in the amount of \$10,000.00 per acre must be made by the developer to the Township for perpetual maintenance cost of facilities dedicated to the Township. Design engineer has provided calculations of the area occupied by Basins A, B, and C, which total 4.305 acres. As such contribution in the amount of \$43,050.00 should be provided to the Township by the developer." Mrs. Johnson estimates that mowing of the basin has cost them over \$15,000.00 for the 9 years they have lived there. She wondered why the Township would accept the responsibility for Basins B, C, D, and E, but would allow the developer to pass on the responsibility for maintenance of Basin A to a private citizen. Mrs. Johnson asked if the Township did indeed receive the \$43,050.00 contribution, and if so, what those funds were used for.

Mr. Wynn advised that the deed restriction Mrs. Johnson referred to is clearly noted on the recorded plan, as well as on the Johnson's own property deed. The required monetary contribution she referred to is for the maintenance of the stormwater facilities such as piping, inlets, trash racks, and detention basin berms as specified in Note #6 on the recorded Longleaf Estates plan. Note #6 further states "Basin 'A' shall be owned and the grass maintained by the owner of Lot #26." Mr. Wynn reminded Mrs. Johnson that "Open Space Area A" is not the same as "Basin A" as referenced in Note #3 on the plan. He explained that all open space areas in Longleaf Estates are owned by the Township, but pursuant to the recorded plan and the Johnson's own deed, the owner of Lot #26 owns and must mow the grass in Basin A, while the Township is responsible for the structural components of the stormwater management facility only.

Mr. Wynn stated that lots which include deed restricted basins usually sell for less due to the required maintenance. He referred to the Disclosure Statement signed by Mrs. Johnson when she and her husband purchased the property in 2001, and provided to Heritage Building Group, which outlines the deed restriction, the ownership issue, and the requirement for mowing of the basin. Mrs. Johnson denies being provided with a Disclosure Statement, though she acknowledged that she did not read the fine print on documents that were presented during settlement. Mrs. Johnson further claims that she was not made aware of the additional ownership and mowing responsibility for Basin A when she purchased Lot #26 from the Heritage Building Group nine years ago. Chairman McIlhinney presented Mrs. Johnson with a copy of the Disclosure Statement that she had signed and initialed on October 5, 2001 during settlement.

Supervisor Groff referenced the old saying "Buyer Beware" and commented that there is a note on the recorded plan, as well as the ownership of the basin noted in Mr. and Mrs. Johnson's deed, both of which make it quite clear of the responsibilities of the purchaser of Lot #26 with respect to the basin.

Public Comment:

1. Mr. Mike Nichol who lives across the street from the site, had originally considered purchasing Lot #26 however the issue with the detention basin was never satisfactorily explained to him, so he did not move forward.

There was no further public comment.

**E. 7:33PM – PUBLIC HEARING – Chairman McIlhinney adjourned the regularly scheduled meeting of the Hilltown Township Board of Supervisors for April 25, 2011, and entered into the advertised Public Hearing to consider the adoption of an Ordinance establishing the Hilltown Township Stormwater Management Ordinance.**

A summary of the proposed Ordinance was appropriately advertised in the Doylestown Intelligencer on April 14, 2011; and full copies of the proposed Ordinance have been available for public inspection at the Township office, the Intelligencer, and the Bucks County Law Library. Mr. Wynn's correspondence listing the revisions that had been made to the current Ordinance and incorporated into the new Ordinance dated March 8, 2011, was discussed.

Supervisor's Comments/Questions:

- With respect to Section 134-15.A (Page 29) last sentence of the first paragraph, which states "The required Water Quality Volume (WQv) is the storage capacity needed to capture and to treat a portion of stormwater runoff from the developed areas of the site produced from 90 percent of the average annual rainfall (P)." Chairman McIlhinney

questioned the use of the term "average annual rainfall" in that sentence. Mr. Wynn referred to the definition in the calculation formula located in the middle of that same page.

- Regarding Item 11 of the March 8, 2011 review, Chairman McIlhinney wondered why Hilltown is infiltrating more rainfall in the Neshaminy Creek Watershed, than communities to our south in the lower and middle of the County. Mr. Wynn explained that most infiltration requirements have been in high-quality and exceptional value watersheds for the purposes of improving streams by reducing volume of runoff and infiltrating so that there is more base flow. He commented that it is primarily for flood control to reduce the runoff into the Neshaminy.

Public Comment:

1) Ms. Estelle Eberhart of Irick, Eberhart and Mientus asked the amount of pervious square footage that would result in an exemption. Mr. Wynn explained that it would vary on the lot size. An exemption could be warranted for up to 7,500 sq. ft. if the property size is greater than five acres whereas the greatest amount you could be exempt on a ½ acre lot would be 1,200 sq. ft. Mr. Wynn further noted that a project can become regulated at 1,000 sq. ft. For a single-family dwelling project such as a patio or a swimming pool, there is also a simplified procedure which eliminates engineering costs.

There was no further public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Ordinance #2011-2, Stormwater Management Ordinance to be consistent with the Neshaminy Creek Watershed requirements.** There was no public comment.

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

1. Carson Helicopter Land Development – Preliminary/Final – Mr. Steve Harris, the applicant's legal counsel, along with Ms. Estelle Eberhart, the applicant's engineer, were in attendance to present the plan to construct a 150 ft. X 190 ft. building addition to the rear of the existing office/manufacturing facility; and a 150 ft. X 200 ft. building addition to the rear of the existing warehouse. Mr. Wynn's review dated April 19, 2011 was discussed. Mr. Harris advised that the proposal will bring in approximately 60+ new jobs, and that the expansion is needed to meet the demand from the British Navy for 50 new rotor systems, as well as the State Department's order for 25 new helicopters. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant conditional preliminary/final plan approval to the Carson Helicopter Land

Development, pending completion of all outstanding items as noted in the engineering review dated April 19, 2011.

Due to the additional employees, Mr. Harris advised that a second sandmound will be required for the site. At the present time, the existing buildings are being serviced by the existing sandmound and no additional restrooms are proposed. He asked if the Board would consider allowing the applicant to move forward with submission of a building permit application prior to the construction of the new sandmound. Solicitor Grabowski replied that a determination on this issue would be at the discretion of the Building Inspector/Zoning Officer. It was the consensus of the Board that they would support Mr. Harris's request to move forward with the building permit prior to the construction of the new sandmound.

Motion was made by Supervisor Salvadore, seconded by Supervisor, and carried unanimously to **adopt Resolution #2011-13, DEP Planning Modules for the Carson Helicopter Land Development.** There was no public comment.

G. NEW BUSINESS:

1. Authorization for advertising bid for Bituminous Seal Coat - Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to authorize the preparation and advertisement of bids for the bituminous seal coat project, to include Hayhouse, Quarry, Schwenkmill, Redwing, Midway, and Twinbrook Roads. There was no public comment.

2. Request to extend hours of operation from H&K Quarry - Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant the request by H&K Quarry for the extension of hours at Blooming Glen Quarry from 6:30PM to 6:30AM Mon. through Fri., between May 2 and May 31, 2011; and to extend the hours of operation of the concrete batch plant and/or the asphalt batch plant between the hours of 6:30PM and 6:30AM Monday through Friday, between May 2 and May 31, 2011. There was no public comment.

H. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore inquired as to the success of the Easter Egg Hunt. Mr. Wert replied that the event concluded before the bulk of the rain arrived. There were approximately 300 children participating, with 5,000 eggs collected in 12 minutes.

I. PUBLIC COMMENT: None.

J. PRESS CONFERENCE: There were no questions from the reporters present.

K. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously, the April 25, 2011 Hilltown Township Board of Supervisors meeting was adjourned at 8:15PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

(\*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).