

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, July 27, 2009  
7:00PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:04PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman  
Richard J. Manfredi, Supervisor  
Christopher S. Christman, Township Manager  
Christopher E. Engelhart, Chief of Police  
Judy Stern-Goldstein, Township Planner  
Andreas Heinrich, Township Traffic Engineer  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda S. Seimes, Admin. Asst. to Twp. Manager/Asst. Sec.

A. ANNOUNCEMENTS:

1. A Public Hearing is scheduled for 8:00PM this evening to consider the adoption of an Ordinance amending Section 160-82, Billboards, to address Electronic Graphic Displays (Digital Billboards) and Video Billboards.

2. Applications for enrollment in the Hilltown Township Agricultural Security District (PA Act 43) will be accepted during the month of August. Residents of neighboring East Rockhill Township and New Britain Township are invited to participate. Applicants must own at least 10 acres of land, or a minimum of 5 acres adjoining a 10-acre parcel. Eligible land can be in field, pasture, and forest or woodlot condition. Benefits of participation include protection from nuisance suits involving normal farming activities or other agricultural uses that may be in violation of Township Ordinances, as well as some protection from local eminent domain condemnation. For additional information about the program and to obtain an application, please visit our website at [www.hilltown.org](http://www.hilltown.org) or visit the Township administration office between the hours of 8AM and 4:30PM Monday thru Friday.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Approval of Minutes of July 13, 2009 Supervisor's Meeting.
- Approval of Bills List dated July 28, 2009.
- Accept Manager's Report/Financial Variance Report.
- Accept Solicitor's Report.

Chairperson Salvadore questioned the distribution of AED units. Chief Engelhart advised that each primary patrol vehicle would carry an AED unit, and one would be available here at the Municipal Building.

Solicitor Grabowski noted the following correction to page 3 (first paragraph, last sentence) of the July 13, 2009 meeting minutes, which should state:

“As part of the overall agreement, the flow from those three subdivision projects will go to the PWTA plant, and in exchange, PBA has granted **free** EDU’s to the Hilltown Authority.”

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to approve and accept the above noted items on the Consent Calendar, with the correction to the minutes as specified by Solicitor Grabowski. There was no public comment.

D. LEGAL – Mr. Francis X. Grabowski, Township Solicitor-

1. Hefner Land Development – Road Frontage Easement Resolution – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-24, accepting the Road Frontage Easement for the Hefner Land Development.** There was no public comment.

2. Carson Helicopter Land Development – Road Frontage Easement Resolution/Related Documents: Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-25, accepting the Road Frontage Easement for the Carson Helicopter Land Development,** and to also accept and approve the Subdivision/Land Development Agreement, Financial Security Agreement, Cash Escrow Agreement, Stormwater Access Easement, and Stormwater Maintenance Bond Agreement for the Carson Helicopter Land Development. There was no public comment.

3. Hilltown Crossings/Wal-Mart Expansion Land Development – Land Development Agreement/Related Documents – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept and approve the Land Development and Financial Security Agreements and other related documents for the Hilltown Crossings/Wal-Mart Expansion Land Development. There was no public comment.

4. Univest Land Development – Subdivision/Land Development Agreements/Related Documents – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept and approve the Subdivision/Land Development and Financial Security Agreements, Sidewalk Easement Agreement, Stormwater Easement Agreement and other related documents for the Univest Land Development. There was no public comment.

E. ENGINEERING – Mr. C. Robert Wynn, Township Engineer-

1. Wynnefield Estates Subdivision – Mr. Wynn’s correspondence to the developer dated July 10, 2009 regarding maintenance period completion status was discussed. The developer provided a cash escrow in the amount of \$3,500.00 to guarantee the remaining miscellaneous landscaping items.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept the satisfactory completion of the maintenance period for the Wynnefield Estates Subdivision in accordance with Mr. Wynn’s memo dated July 22, 2009 and as noted above. There was no public comment.

2. Calvary Church Land Development – The maintenance period for Calvary Church, which included various street improvements and stormwater management facilities, has been successfully completed.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the maintenance period for the Calvary Church Land Development in accordance with Mr. Wynn’s memo dated July 22, 2009 and as noted above. There was no public comment.

3. Reserve at Hilltown Subdivision – Mr. Wynn’s correspondence dated July 21, 2009 regarding the status of completion of this project was discussed. Those items related to erosion control, tree plantings, etc. have all been completed as of this morning, and PennDot has acknowledged completion of the improvements required at Church Road and Keystone Drive

One item still outstanding is the development sign, which was constructed and then inspected by former Building Inspector, Dave Taylor. Subsequently, the former Zoning Officer, Nick Lupinacci advised the developer that the sign would be in violation of the Zoning Ordinance if it remained as a permanent sign. Mr. Wynn’s correspondence dated October 7, 2005 to Mr. Lupinacci notes that a development sign (“The Reserve at Hilltown”), which was installed at the entrance to the site along Nicholas Drive, is not shown on the approved subdivision plan and is not permitted pursuant to Article VII of the Zoning Ordinance. The applicant’s legal counsel, Richard McBride, has argued that a permanent development sign is permitted, and this sign was inspected and approved by the Township. Mr. Wynn never received a copy of the approved sign permit, and therefore, questions whether the sign is permitted. The developer has taken the position that the plans showed an “entrance treatment” easement, which in Mr. McBride’s opinion was specifically for the development sign. Mr. Wynn noted the plan does not specify that the easement is for a sign. Solicitor Grabowski referred to recent correspondence from Mr. McBride, who argues that the easement for the entrance amenity is clearly depicted on the recorded plan, and that entrance amenities have been erected on all Cutler Group developments in all communities over the last few decades. Further, Mr. McBride cites the fact that the

purchaser of every lot in the development had executed a Rider to Agreement of Sale disclosing that there will be an entrance amenity for the development. Additionally, he explains that a specific Declaration of Covenants and Restrictions is recorded imposing the obligation of future maintenance on the owners of the two lots on which the entrance amenities and signage are erected to insure proper maintenance. Lengthy discussion took place.

Supervisor McIlhinney recalls that the Township had heard requests in the past from the Summer Lea Homeowner's Association, seeking permission to erect a similar sign for their residential development, and citing the fact that the rental unit portion of Summer Lea was permitted such a sign. That request was denied at the time, and Supervisor McIlhinney believes that this Board was very clear about its opposition to signs for each individual development throughout the Township. Just because property owners have executed Riders to their Agreement of Sale, does not, in Supervisor McIlhinney's opinion, change the fact that development signs are not permitted according to the Zoning Ordinance.

**\*\*At 7:22PM, the Hilltown Township Board of Supervisors entered into Executive Session to discuss legal matters.**

**\*\*At 7:26PM, Chairperson Salvadore reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors.**

Supervisor Manfredi recommended that the Administration investigate the various development signs throughout the Township, comparing them to the legal agreements and approved subdivision plans, and then report back to the Board so that they can consider their options and what steps they may wish to take moving forward. Chairperson Salvadore and Supervisor McIlhinney were agreeable. This item will be placed on the August 24<sup>th</sup> meeting agenda for further consideration.

F. UNFINISHED BUSINESS:

1. Status update on Traffic Signal at Rt. 152/Hilltown Pike Intersection – Following the Board's direction at a previous meeting, Mr. Andreas Heinrich, Township Traffic Engineer, prepared a packet of information for PennDot requesting a revision to the Traffic Signal Permit for the Hilltown Pike/Rt. 152 intersection. This revision would reverse the direction of the Good Shepherd Church southerly driveway from an inbound driveway to a one-way outbound egress only with split phasing.

Mr. Heinrich explained that the currently approved PennDot permit indicates the southernmost of three driveways serving the church to be re-designated as one-way entry only due to the offset location opposite the Rt. 152 approach. Currently as an unsignalized driveway, it is open for two-way traffic. However, Mr. Heinrich noted that configuration would force all exiting traffic to one or both of the northerly unsignalized driveways raising concern about sight distance,

visibility, and back-up on Hilltown Pike that could potentially block the driveways. The reason it was an inbound driveway in the first place was because the driveway is offset from the Limekiln Pike approach to the intersection, and that was PennDot's simplest way of addressing the offset nature of the intersection. What Mr. Heinrich is suggesting is that the driveway traffic flow be reversed. Due to the offset intersection, a special timing sequence called split-phasing is proposed, whereby when a vehicle is exiting the Church driveway, video detection would then, and only then, cause the traffic light to cycle around and provide a green indication to the driveway exit. Normally, Hilltown Pike would flow in both directions, and there would be a left turn arrow in the southbound direction that would be utilized, which would then turn red, permitting traffic to flow onto Rt. 152. While this scenario is somewhat inefficient, Mr. Heinrich felt it was the easiest, most cost-effective way of dealing with the off-set condition of the driveway from the Limekiln Pike approach to the intersection. Supervisor McIlhinney wondered if there was any possibility that PennDot would not agree with this suggestion. Mr. Heinrich confirmed that there is always that possibility, particularly if the Church has significant increased activity during the normal weekday morning/afternoon peak hours, which could result in some congestion at the intersection. Supervisor McIlhinney explained that the Church is used as a polling place twice per year, and asked if that would create any problems. Mr. Heinrich replied that it would not since it is not considered a typical traffic condition. Chairperson Salvadore asked if the light's timing sequence could be programmable to address the twice yearly polling place or any other less frequent events that may occur throughout the year. Mr. Heinrich replied that perhaps it could, noting that many times a key entry box can be provided so that the Police Department can manually run the signal if necessary. The Board agreed that they would prefer this option be available to the Police Department in the event it is needed.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize Mr. Heinrich to forward to PennDot for review and consideration, the Traffic Signal Permit Revision for the Hilltown Pike/Limekiln Pike intersection (at Good Shepherd Church). There was no public comment.

2. Discussion of PennDot recommendations to April 29, 2008 letter – At the March 9, 2009 Supervisor's meeting, Supervisor Manfredi reported that the Township had received information relative to correspondence sent to PennDot on April 29, 2008. Of particular interest was the Board's proposal for advance left turn phasing at the Callowhill Road/Rt. 113 intersection, and possible line striping improvements at the Callowhill Road/Rickert Road intersection.

Mr. Heinrich commented that the Callowhill Road/Rt. 113 intersection is a proposed signal change, which would require expenditure of funds. PennDot is proposing split phasing where both sides would proceed completely independently of each other. While he believes PennDot's proposal will accomplish what the Board is hoping to achieve, Mr. Heinrich advised that it is not the most efficient operational scenario for the intersection. On the other hand, a

certain amount of left-turning vehicles during peak hours is required to get to the required threshold for that lead left arrow, which is what he feels would be the most desirable.

Supervisor Manfredi asked for a cost estimate of the split phasing as suggested by PennDot. Mr. Heinrich explained that signage and possibly two new signal heads would be required to give the two sides of Callowhill Road notice that they can proceed without opposing traffic coming forward, as well as redesign of the signal and PennDot approval process. He believes the cost would be less than approximately \$10,000.00 to accomplish. Mr. Heinrich also suggested that it would be a bit less expensive with the lead left arrow since it would only entail one signal head and one sign, with perhaps some lane markings.

Supervisor McIlhinney recalls several complaints about the timing of the light at that intersection, and noted that some motorists don't seem to understand that they must drive right up to the line marking to activate the signal change. Mr. Heinrich agreed, and stated that the only way to make that more clear would be to provide additional signage "Stop Here on Red" with downward pointing arrows. A more expensive way would be to change from the magnetic loops to video detection, which would cover a larger zone. Discussion occurred.

With respect to the Callowhill Road/Rickert Road intersection, Mr. Heinrich reviewed PennDot's February 24, 2009 response and recommendations. It was noted that PennDot increased the size of the stop sign from 30" X 30" to 36" X 36" on August 28, 2007. Field observations in July of 2008 revealed that motorists diversely handled the positioning of their vehicles for the stop condition before proceeding into the intersection. Further, on the Callowhill Road approach to the stop sign, stop lines do not supplement the stop signs and the double yellow centerline is too far back from the edge of travel on Rickert Road. The travel lanes on Rickert Road are not defined by a white lane line, and would be less than 10 ft. wide if pavement markings were to be applied.

Supervisor Manfredi suggested that further investigation be done to provide greater detail and costs on both options for the Rt. 113/Callowhill intersection as well as for the Callowhill Road/Rickert Road intersection, prior to the Board moving forward. This matter will be placed on a future meeting agenda for further consideration.

G. NEW BUSINESS:

1. Authorization to expend funds for Stormwater Management System Improvements - Mr. Christman's memo dated July 1, 2009 was discussed. Two separate stormwater management system improvements projects have been proposed, both unbudgeted items for the 2009 budget, but which would be covered by funds available in the Stormwater System Reserve Fund. As of June 30, 2009, the total available fund balance is \$128,099.18. Total cost for both projects would not exceed \$60,000.00.

Mr. Wynn explained that discharge from the Deerfield Subdivision basin, which was constructed in the late 1980's, drains through the open space area of the Orchard Hill Subdivision, but bypasses the Homeowner's Association basin via a diversion channel. Significant runoff flowing through and eroding the open space area has been confirmed by Mr. Wynn. During recent rainfall events, drainage from the Deerfield Subdivision open space was so great it overtopped the diversion channel and discharged inappropriately into the Homeowner's Association stormwater facility. There have been no major revisions to the Deerfield open space area, basin or to the subdivision itself since its final construction. Mr. Wynn noted that design of basins in the late 1980's followed a methodology no longer used under current Stormwater Management Ordinance requirements and standard engineering practices. To reduce the flow of stormwater from the basin into the Orchard Hill Open Space, Mr. Wynn recommended the following:

- Modification to raise the top of the berm by approximately 20 inches.
- Increase the top of the outlet structure grate elevation.
- Reduce the size of the lowest orifice in the basin.
- Terminate the underdrain on the basin bottom with a cut-off trench.
- Revise basin to a wetland environment, rather than a mowed lawn condition, which would also reduce future maintenance.

It is Mr. Wynn's opinion that completion of the proposed improvements will significantly reduce outflow from the basin (50% per event on average with a reduction of 80% for the one and two-year frequency design storms, with a cost for same estimated at \$44,000.00.

The second location is the Pleasant Meadows Subdivision drainage swale. Approximately 3-4 years ago, the Board authorized repair work to be completed in the swale to restore it to a working condition. Unfortunately, since that time, neighbors in and around the swale have encroached into the swale once more causing continued stormwater runoff issues. Last summer, the staff met with a particular homeowner of Yarrow Court to point out issues on his property that were affecting the condition and functionality of the drainage swale. That homeowner addressed the problem areas, but the condition of the swale continues to deteriorate and is no longer functioning properly. Mr. Wynn recommends the following to correct the situation:

- Remove all obstacles encroaching into the drainage swale located within an easement.
- Open the drainage swale by increasing its depth.
- Line the swale with the appropriate drainage material to impede any additional erosion.
- Re-seed any areas of private property impacted by the reconditioning of the drainage swale.

It is estimated that total design and construction costs are anticipated not to exceed \$10,000.00.

Supervisor McIlhinney believes that the property owner responsible for the continuing problem should be held accountable, recalling that he was warned initially a few years ago when the problem first came to light. Supervisor Manfredi wondered why this individual believes he has the right to store things within the 20 ft. wide stormwater swale in the Township's easement. Solicitor Grabowski commented that the homeowner could be billed for the cost involved to rectify the matter, or the Township could sue for the expense involved. Lengthy discussion occurred.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize the expenditure of Stormwater System Reserve Funds to address the aforementioned stormwater conditions as noted above, and to pursue with the Township Solicitor, all legal options for recouping the estimated \$10,000.00 for repair of the Pleasant Meadows drainage swale to be determined when all information is available. There was no public comment.

**\*\*8:04PM – Chairperson Salvadore recessed the regular meeting of the Hilltown Township Board of Supervisors in order to enter into an advertised Public Hearing to consider the adoption of an Ordinance amending Section 160-82, Billboards, to address Electronic Graphic Displays (Digital Billboards) and Video Billboards.**

The Board considered the Bucks County Planning Commission's latest review of the proposed Ordinance dated June 3, 2009 and the Hilltown Planning Commission's recommendation for approval as found in their meeting minutes dated April 20, 2009. The proposed Ordinance was appropriately advertised in the Doylestown Intelligencer on July 3<sup>rd</sup> and 10<sup>th</sup>, and has been available for public review in the Township office.

Public Comment:

1. Mr. Wally Rosenthal of Rosie Lane asked for a brief synopsis of the proposed Ordinance, which was provided by Ms. Judy Stern-Goldstein, Township Planner.

There was no further public comment.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2009-6, amending Section 160-82, Billboards, to address Electronic Graphic Displays (Digital Billboards) and Video Billboards.** There was no public comment.

**\*\*The Public Hearing was adjourned and the regularly scheduled July 27, 2009 Board of Supervisors meeting was reconvened at 8:10PM.**



2. Resolution authorizing Township Manager to execute all required forms and documents for amending terms of Mill Road Bridge Federal Aid Bridge Project Agreement – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-26, authorizing Township Manager to execute all required forms and documents for amending terms of the Mill Road Bridge Federal Aid Bridge Project Agreement.** There was no public comment.

3. Bid Award – Bid #2009-2 – Paving Project – Bid proposals for the 2009 Paving Project were opened this morning at 10AM, with the following results:

- (1) Blooming Glen Contractors, Inc. (Blooming Glen, PA):
- |                 |                |
|-----------------|----------------|
| Leveling Course | \$61.75/Ton    |
| Wearing Course  | \$62.50/Ton    |
| Neat Cut        | \$ 2.75/Ft.    |
| Milling         | \$ 3.60/Sq.Yd. |
| TOTAL:          | \$231,970.00   |
- (2) James D. Morrissey, Inc. (Philadelphia, PA)
- |                 |                 |
|-----------------|-----------------|
| Leveling Course | \$60.75/Ton     |
| Wearing Course  | \$66.90/Ton     |
| Neat Cut        | \$ 4.20/Ft.     |
| Milling         | \$ 2.60/Sq.Yd.. |
| TOTAL:          | \$241,874.50    |
- (3) Kehoe Construction, Inc. (Bridgeport, PA)
- |                 |                |
|-----------------|----------------|
| Leveling Course | \$65.00/Ton    |
| Wearing Course  | \$72.50/Ton    |
| Neat Cut        | \$ 4.50/Ft.    |
| Milling         | \$ 3.50/Sq.Yd. |
| TOTAL:          | \$262,350.00   |
- (4) Harris Blacktopping, Inc. (Yardley, PA)
- |                 |                |
|-----------------|----------------|
| Leveling Course | \$79.00/Ton    |
| Wearing Course  | \$74.35/Ton    |
| Neat Cut        | \$ 2.00/Ft.    |
| Milling         | \$ 4.50/Sq.Yd. |
| TOTAL:          | \$280,805.50   |

The location of work included Schoolhouse Road, Steeplebush Drive, Goldenrod Court, Thistle Lane, Brookside Drive, Pleasant Springs Lane, and Yarrow Court (from Steeplebush Drive to the new pavement). The 2009 Budget has a total of \$469,000.00 appropriated for road improvement projects this year.

Motion was made by Supervisor McIlhinney and seconded by Chairperson Salvadore to accept the proposal for Bid #2009-2 – Paving Project from Blooming Glen Contractors by unit price as follows – Leveling Course - \$61.75/ton, Wearing Course - \$62.50/ton, Neat Cut - \$2.75/ft., and Milling - \$3.60/sq.yd., conditioned upon PennDot approval, and receipt of required Performance Bonds, Payment Bonds, and insurance certificates. Prior to a vote, discussion took place. Supervisor Manfredi abstained from the vote. There was no public comment.

4. Discussion of H & K Quarry's request to extend hours of operation at Asphalt Plant on August 9, 2009 – Correspondence dated July 23, 2009 from H & K Group was discussed. H & K is requesting an extension of hours of operation of the Asphalt Plant on August 9, 2009 starting at 6:00AM and extending throughout the day until 9:00PM, with a rain date of August 16, 2009. The request is being made as a result of contract work awarded to Reading Site Contractors, an H & K Group affiliate, by PennDot. The project involves the full depth reconstruction of the intersection of S.R. 463 and Upper State Road.

Motion was made by Supervisor McIlhimney and seconded by Chairperson Salvadore to authorize the extension of hours of operation at the H & K Quarry Asphalt Plant on August 9, 2009. Supervisor Manfredi abstained from the vote. There was no public comment.

H. BOARD MEMBER COMMENT:

1. Supervisor Manfredi referred to the funding allotments available through President Obama's Stimulus Package, and requested a briefing in the near future of the exact dollar amount that Hilltown Township would be eligible for, and recommendations as to how that funding could be used. In the past, the Board of Supervisors had suggested that various forms of alternative energy sources be investigated, perhaps to light the Hilltown Civic Park, etc. He is aware of various grant programs being established, such as Conservation Works and DEP's yet to be released Pennsylvania Greenworks program. Supervisor Manfredi would like Mr. Christman to keep the Board apprised of any new funding or grant programs the Township may be able to take advantage of. Chairperson Salvadore agreed.

2. Chairperson Salvadore requested that Mr. Christman provide a variance report on year-to-date expenses, just as he has provided for year-to-date revenue figures. Mr. Christman advised that he has been working on it, and will have the report complete by tomorrow

I. PUBLIC COMMENT: None.

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

K. ADJOURNMENT: Upon motion by Supervisor McIlhinncy, seconded by Supervisor Manfredi, and carried unanimously, the July 27, 2009 Hilltown Township Board of Supervisors meeting was adjourned at 8:24PM.

Respectfully submitted,



Lynda Seimes

Admin. Asst. to Township Manager/Asst. Secretary

(\*These minutes should not be considered official until approved by the Board of Supervisors at a public meeting).