

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 22, 2009
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:00PM and opened with the Pledge of Allegiance.

Also present were:

- John B. McIlhinney, Vice-Chairman
- Richard J. Manfredi, Supervisor
- Christopher S. Christman, Township Manager
- William E. Wert, Dir.of Parks, Rec. and Open Space/Asst. Mgr.
- Christopher E. Engelhart, Chief of Police
- Francis X. Grabowski, Township Solicitor
- C. Robert Wynn, Township Engineer
- Lynda S. Seimes, Admin. Asst. to Twp. Manager

A. ANNOUNCEMENTS:

1) For a complete listing of times and dates for all Hilltown Parks and Recreation programs, or to download registration forms, please visit the Township website often at www.hilltown.org. Inquiries should be made to Bill Wert, Director of Parks, Recreation and Open Space at 215-453-6000, ext. 237 or via email at recreation@hilltown.org.

2) Discount Tickets are available for purchase at the Township Administrative Office for several area amusement parks, aquariums/zoos and water parks, including Adventure Aquarium, Baltimore Aquarium, Dorney Park, Dutch Wonderland, Hershey Park, Knoebels Grove, Morey's Pier, Philadelphia Zoo, Roundtop Mountain Adventures, and Six Flags Great Adventure.

3) Hilltown Township has been recognized by the International City County and Management Association (ICMA) for establishing a position of professional management.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of May 28, 2009 Supervisor's Meeting.
- Bills List dated June 23, 2009.
- Financial Report for May 2009.
- Manager's Report/Financial Variance Report.
- Solicitor's Report.
- Fire Company Reports for May, 2009 – Dublin and Perkasio.
- Notification of Sketch Plan Staff Meeting – possible 9-lot residential subdivision on Highland Park Road.

Motion was made by Supervisor Manfredi and seconded by Supervisor McIlhinney to accept and approve the Consent Calendar as noted above. Prior to a vote, discussion took place.

Supervisor McIlhinney questioned Item (g) – Notification of Sketch Plan Staff Meeting for 106 and 114 Highland Park Road. Mr. Christman explained that the proposal is to subdivide two adjacent parcels on Highland Park Road comprised of 12+ acres into 9 residential lots arranged along a cul-de-sac street in a phased project.

Motion carried unanimously. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Brandon Woodward, Hilltown Fire Company – Request to waive building permit fees for firehouse reconstruction – Mr. Woodward was present to follow-up on a request made at the last meeting for the Board to consider waiving all building permit fees for the Hilltown Fire Company firehouse reconstruction project. Mr. Christman's memo dated June 16, 2009, outlining the various costs associated with Phase I and Phase II building permit applications for the HTFC, was discussed. The total amount of unpaid building permits fees remains at \$2,222.50.

Motion was made by Supervisor Manfredi and seconded by Chairperson Salvadore to waive the building permit fees for the Hilltown Fire Company reconstruction project in the amount of \$2,222.50. Prior to a vote, discussion took place.

Supervisor McIlhinney stated his opposition to the request for waiver of building permit fees. At the last meeting, several residents had requested waiver of fees for their subdivisions, which this Board denied so as not to set a precedent and to cover the Township's costs associated with review and inspection. He further reminded the Board that the Township is receiving reduced revenues this year. Supervisor McIlhinney does not feel it would be appropriate to waive permit fees for any group or organization, particularly the Hilltown Fire Company, which previously received funding from the Township to assist with this very reconstruction project.

Supervisor Manfredi supports waiving the building permit fees for this project, noting that the general public does not often recognize and support volunteer firefighters unless there is a fire in the community or a major event occurs. He noted that the Hilltown Fire Company is the Township's home-based fire company, and when the municipality changed its funding distribution formula several years ago, they suffered one of the biggest financial losses because of it.

While not trying to disparage the Hilltown Fire Company, Supervisor McIlhinney noted that they are one of seven servicing companies, and all seven do their fair share to protect the entire Township. He further advised that Hilltown Township provides funding of over \$300,000.00 to

all seven fire companies on an annual basis. Supervisor McIlhinney further noted that additional improvements have now been proposed, over and above what is necessary to bring the firehouse back to its original stat, not simply rehabilitation of the damaged building. Discussion occurred.

Chairperson Salvadore strongly believes that it is the responsibility of the Board of Supervisors to provide for the health, safety, and welfare of the Township, which in her opinion includes fire protection, EMS, and police services. With respect to the additional work being accomplished on the firehouse, Chairperson Salvadore explained that these improvements will upgrade the building to meet ADA requirements and address other safety aspects.

The original motion carried 2:1, with Supervisor McIlhinney opposed. There was no public comment.

2. The Preserves Subdivision (aka: Smith Tract) – Request to extend 5-year vesting period – Mr. Robb Gundlach, legal counsel for the applicant and Mr. Neil Van Cleef of Stanton Properties, LLC, is seeking to extend the 5-year vesting period for the Preserves Subdivision until March 22, 2014. Mr. Wynn's memorandum dated June 17, 2009 notes that the site was granted preliminary plan approval on May 22, 2004, with conditional final plan approval granted on January 24, 2005. Outstanding items include the following:

- Rickert Road along the frontage of the site will be improved temporarily with establishment of a minimum of 3 ft. wide stabilized shoulder with drainage swale designed and stabilized to convey stormwater runoff so road flooding and deterioration of the edge of the road no longer occurs.
- Silt fence, tree protection fence, and debris on the site must be removed.
- The applicant agrees to payment of a recreation fee established by Resolution for the year the plan is recorded (\$1,962.00 per lot).
- Any grant of extension approved by the Supervisors does not include waiver of any stormwater management requirements that may be imposed by PADEP on the Township.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant a five-year vesting period extension to the Preserves Subdivision through May 31, 2014, in accordance with all requirements in Mr. Wynn's memo to Mr. Christman dated June 17, 2009 as noted above. There was no public comment.

3. Ashland Meadows Subdivision – Request to extend deadline for completion of required site improvements thru July 28, 2010 – Mr. Robb Gundlach, legal counsel for the applicant, along with Mr. Tom Doyle of Deluca Homes, was in attendance to request that the

Board extend the deadline date for completion of required site improvements for the Ashland Meadows project by an additional year through July 28, 2010.

Mr. Wynn's memo dated June 17, 2009 was discussed. A 24 month extension to the Development Agreement was requested within correspondence dated 6/30/08. At the Supervisors' July 28, 2008 meeting, a 12-month extension was approved with a 10% increase in escrow funds, which was accomplished on November 7, 2008. The current deadline for completion of improvements is July 28, 2009. It was noted that a continued site issue is the incorrect installation of the detention basin fence, and that there have been five notices sent to Deluca Homes regarding non-compliance with the approved plan. Additional outstanding issues include open space area restoration/establishment per the plan, completion of right-of-way grading, and installation of sidewalk/street trees along Open Space Parcel A.

Mr. Wynn recommended that any extension granted for this subdivision be limited to 12 months with a required 10% increase in escrow funds pursuant to the MPS and Development Agreement. The extension should also be conditioned upon the developer correcting the basin fence, installing sidewalk and street trees along Open Space Parcel A, and re-grading and establishing Parcel A as a meadow pursuant to the approved plan by not later than September 30, 2009.

The applicant was unwilling to increase the escrow funds, because they believe that there are more than sufficient funds available to complete improvements at the present time. The applicant did agree however to complete the improvements within the next 90 days. Lengthy discussion occurred.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant a one-year extension to the Ashland Meadows Subdivision until July 28, 2010, in accordance with requirements of Mr. Wynn's memo dated June 17, 2009 and to complete the required work within 90 days as noted above, with the caveat that no 10% increase of escrow funds would be required. There was no public comment.

4. Coventry Meadows II – Request to extend 5-year vesting period thru May 31, 2014 – Mr. Robb Gundlach, legal counsel for the applicant, and Mr. Tom Doyle of Deluca Homes, were in attendance to request a 5-year extension of the vesting period for Coventry Meadows II through May 31, 2014. Mr. Wynn's memo dated June 17, 2009 notes that preliminary plan approval was granted on January 23, 2006, with final plan approval granted on March 27, 2006. Mr. Wynn had no objection to an extension, however he noted that the developer has not been cooperative in promptly responding to a resident's concern regarding the Coventry Meadows I Subdivision. Specifically, Mr. Ron McHose has complained that the swale on his property downgrade from the detention basin, which was anticipated to be completed by no later than March 6, 2008, is difficult to maintain. The current timeframe for completion of improvements at the subdivision is March 30, 2010. Design improvements to the McHose swale, which remains damp for long periods of time due to the continued use of the stormwater

management facility as the sedimentation basin, were resolved in the fall of 2008. Work was not completed at that time because of rainy and wet conditions. Mr. Wynn advised that work still has not been scheduled, commenting that it should be completed as soon as weather permits. A recent inspection of the site indicates that even with the rainy conditions, work could commence after a short period in approximately one week of dry weather. There is also a concern expressed by another neighboring property owner, Mr. Fred McConnell, which the developer has agreed to correct. Discussion took place.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant a 5-year extension in the vesting period for the Coventry Meadows II Subdivision until May 31, 2014, pending completion of all outstanding issues as noted in Mr. Wynn's memo to Mr. Christman dated June 17, 2009, as noted above, including work that would occur in the Coventry Meadows I Subdivision on or around the McConnell and McHose properties, as previously discussed with Mr. Wynn. There was no public comment.

5. Kirk Tract Subdivision – Request to extend 5-year vesting period thru May 31, 2014 – Mr. Robb Gundlach, the applicant's legal counsel, along with Mr. Tom Doyle of Deluca Homes, was in attendance to request a 5-year extension in the vesting period through May 31, 2014. Mr. Wynn's memo to Mr. Christman dated June 17, 2009 was discussed. Preliminary plan approval was granted on November 28, 2005. Mr. Wynn recommends that any extension granted for this subdivision include a requirement that the applicant pay the recreation fee as established by Resolution for the year the plan is recorded (\$1,962.00 per lot), and to clearly note that the extension does not grant the applicant any rights to the current stormwater management requirements if required to be revised based upon new PADEP regulations.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to approve a five-year vesting extension for the Kirk Tract Subdivision through May 31, 2014, pending completion of all outstanding items as noted in Mr. Wynn's memo dated June 17, 2009. There was no public comment.

6. Hilltown Walk (aka: Guttman Tract) – TND Zoning Inquiry – Chairperson Salvadore requested that the applicant limit the presentation to five minutes, and to only provide new and/or different information than was presented at the May 28th meeting. Mr. Robb Gundlach, legal counsel for the applicant, along with Mr. Doug Sanders of Middletown Mortgage Associates, Mr. Tom Catenella on behalf of the applicant, and Mr. Tom Comitta, planner for the applicant, was in attendance to present several sketch plan options of a Traditional Neighborhood Development plan for the Guttman Tract located on Green Street. Mr. Gundlach advised that the applicant submitted an extension for formal review of the project, and also filed a formal application for rezoning of the site today.

Mr. Comitta presented several sketch plans which address the Board's comments and suggestions as expressed at the May 28th meeting, copies of which are available for public

review at the Township office. Option A shows a number of live/work units surrounding the perimeter, an area of community open space and twin homes, as well as larger lots of single family dwellings. Option B is more diversified with other opportunities for live/work units with a mix of housing types throughout. Option C diversifies even further with live/work units along Green Street, and also proposes several small commercial enterprises.

The applicant will work with Township staff and follow normal procedure with respect to their request for rezoning and TND sketch plans for the Guttman tract (aka: Hilltown Walk).

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

1. Hardy Subdivision– Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to accept the Hardy Subdivision/Land Development and Financial Security Agreements, and to **adopt Resolution #2009-19, Hardy Road Frontage Easement Agreement**. There was no public comment.

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

1. Peruzzi Tract Land Development (Final Plan) – Mr. Ed Murphy, legal counsel for the applicant, was in attendance to present the plan. Mr. Wynn's latest review dated June 15, 2009 was discussed.

Item 2.B of Mr. Wynn's June 15, 2009 review notes that the plan proposes additional drainage and driveway improvements within the frontage of TMP #15-22-190 (Ott property) to address drainage issues noted by the adjoining property owner. Mr. Wynn met with Mr. Ott at the site, who requested that the driveway entrance be located in a different position from where it is shown on the plan. Since this would not change the French drain depth or location, or the driveway construction requirements, Mr. Wynn feels the revision could be accomplished with a note on the plan. He also reminded the Board that a condition of preliminary approval was the submission of architectural information with respect to the proposed building use to verify that the bulk, scale, and character of the building is compatible with traditional buildings that are characteristic of the PC-1 District prior to issuance of a building permit. The architectural information has not yet been received, however Mr. Wynn advised that it is not an impediment if the applicant moves forward with obtaining other outside agency approvals/permits or the completion of street and/or site improvements.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Peruzzi Tract Land Development, pending completion of all outstanding items as noted in Mr. Wynn's review dated June 15, 2009 prior to issuance of a building permit. There was no public comment.

2. Reserve at Hilltown – Lot #190 – Mr. Wynn explained that Lot #190 contains a detention basin that is required to be fenced. The owners of Lot #190 have requested that the fence be relocated from the top of the berm to the edge of the property. The developer was agreeable if the Township would grant approval to do so.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to the relocation of the basin fence on Lot #190 of the Reserve at Hilltown Subdivision, as noted above. There was no public comment.

G. UNFINISHED BUSINESS:

1. Consider proposed EMS coverage area map/agreements – Discussion took place concerning Mr. Christman’s memo to the Board dated June 3, 2009 referring to the proposed EMS Service Agreement, which would define how EMS operations would be conducted in Hilltown, along with a coverage area map dividing EMS coverage districts between four squads – Chal-Brit, Point Pleasant-Plumsteadville, Souderton, and Grandview. The amount determined for distribution to each EMS squad was included in the 2009 Budget, though the method for distribution has yet to be determined. Chairperson Salvadore believes the final more-detailed County map could be available as soon as July.

Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to accept the EMS Coverage Area Map and Draft Service Agreement. Prior to a vote, discussion took place.

Supervisor Manfredi suggested the following revisions to the draft Agreement:

- Strike the following sentence from Section 4 on Page 2 - **“The Township’s contribution determination for years after the term of this Agreement is subject to the provision contained in Section _____ hereof.”**
- Page 3, Section 6.b. second sentence, should state **“Said Board of Directors shall have a membership of 25% of its total Board membership, community members who do not serve in any capacity with the EMS either as a squad officer, member or volunteer.”**

Supervisor Manfredi would prefer a more detailed final map, showing the specific roadways. Supervisor McIlhinney asked if the original three of four EMS providers have had reviewed and agreed with the coverage areas shown on the map. Chairperson Salvadore explained that Bucks County will determine the coverage areas based on current call data and the GIS system, and that the County may indeed revise the draft map. Discussion occurred.

Motion carried 2:1, with Supervisor McIlhinney opposed. There was no public comment.

Solicitor Grabowski asked when the detailed map from Bucks County can be expected so that it may be attached to the proposed agreement and disseminated to the various EMS squads. Supervisor Manfredi suggested that nothing be transmitted to the EMS squads until the agreement and map from the County has been received.

H. NEW BUSINESS:

1. Notification of resignations from Township volunteer advisory boards/committees
- Resignations have been received from Ms. Donna Crosson from the Parks, Recreation, and Open Space Committee and from Mr. Calvin Weikel from the Agricultural Security Area Advisory Committee.

The Board unanimously agreed to authorize advertisement of the vacancies on the PROS Committee and the Agricultural Security Area Advisory Committee, as noted above.

I. BOARD MEMBER COMMENT: None.

J. PUBLIC COMMENT:

1. Mrs. Nancy Boice noticed that the American flag appears to be missing from the Civic Park. Mr. Christman will notify the Public Works Department. Mrs. Boice also asked if the Township provides a location for proper disposal of flags in poor condition. At the present time, there is not however Mr. Christman will contact the local Boy Scouts to identify a drop off site for that purpose.

K. PRESS AND MEDIA – A conference was held to answer questions of those reporters present.

L. ADJOURNMENT: Upon motion by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously, the June 22, 2009 Hilltown Township Board of Supervisors meeting was adjourned at 8:04PM.

Respectfully submitted,


Lynda Seimes

Admin. Asst. to Township Manager

(*Note - These minutes are not considered official until approved by the Board of Supervisors at a public meeting).