

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, March 23, 2009  
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:02PM and opened with the Pledge of Allegiance.

Also present: John B. McIlhinney, Vice-Chairman  
Richard J. Manfredi, Supervisor  
Christopher S. Christman, Township Manager  
William E. Wert, Director of PROS/Assistant Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer

A. ANNOUNCEMENTS:

1. A Public Hearing has been scheduled for 8:00PM this evening to consider the adoption of an Ordinance amending provisions of Ordinance #2008-4, to remove language prohibiting Parks, Recreation, and Open Space Citizen's Advisory Committee members from serving on more than one Township board, commission or committee simultaneously.

2. The Easter Egg Hunt will be held on Saturday, April 4<sup>th</sup> at 10:00AM at the Hilltown Civic Park. Overflow parking will be available at Sacred Heart Church and Crossroads Tavern. There is no rain date for this event.

3. Hilltown Parks and Recreation Department has confirmed dates for youth and adult tennis instruction to be held at the Hilltown Civic Park. For a complete listing of times and dates, and to download a registration form, please visit the "What's New" section of the Township website at [www.hilltown.org](http://www.hilltown.org). Inquiries to Mr. Wert, Director of Parks, Recreation, and Open Space at 215-453-6000, ext. 237 or via email at [recreation@hilltown.org](mailto:recreation@hilltown.org).

4. The Walnut Street bridge reconstruction project was completed last week, earlier than expected, and the bridge has once again reopened to vehicular traffic.

5. The Hilltown Historical Society is gathering documentation to publish a visual history of Hilltown spanning from the mid-1800's to the 1970's. The public can help by sharing images, postcards, photographs, and artwork showing the landmarks, economic activities, people, family life and social activities of that time period with the Historical Society. Please bring your images to the Historical Society's March 25, 2009 program to be held here at the Township building at 7:00PM.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Approve Minutes of March 9, 2009 Supervisor's Meeting.
- Approve Bills List of March 24, 2009.
- Accept Financial Report of February 2009.
- Accept Manager's Report/Financial Variance Report.
- Accept Solicitor's Report.
- Accept Fire Company Reports for February 2009 – Dublin and Telford.
- Accept Harleysville Savings Bank Mylars for Signature following meeting.

Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to accept and approve the Consent Calendar as noted above. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Wally Rosenthal – Consider concept plan for Hilltown Promenade Shops – Mr. Wally Rosenthal, along with his engineer, Mr. Bob Showalter, were in attendance to present a concept plan/artist's rendering of a proposed Village Style shopping center on a site located at the corner of Rt. 309 and Swartley Road. Two concept plans were provided for the Board's consideration – one proposing the addition of some age-restricted housing, and one without. The applicant is proposing to erect approximately 445,000 sq. ft. of shops and retail space centering on a "Main Street" area, with the possibility of a few second floor offices and a community room plus the possible addition of multi-level age-restricted housing. With this proposal, Mr. Rosenthal is hoping to promote an attractive, walkable environment that projects a sense of community. Mr. Rosenthal noted that the rear 22.5 acres of the site would require a change in zoning from Rural Residential to Planned Commercial 1, in order to match the front 35 acres, which is presently zoned PC-1.

Mr. Showalter provided a brief PowerPoint presentation showing similar types of Village Style retail centers in our area, including the Promenade Shops in Saucon Valley, and Valley Square in Warrington, both of which incorporate shops and restaurants in a pedestrian friendly layout of outdoor retail centers. He noted that there is approximately 17,500 sq. ft. on the eastern portion of the site designated for construction of a firehouse and/or banquet hall for the Hilltown Fire Company.

In Supervisor McIlhinney's opinion, the retail center aspect should be maximized, and the residential units should be discouraged because of its potential to stretch the parking capacity, which he feels is inappropriate for that area of the site.

Supervisor Manfredi preferred the Valley Square model as shown by Mr. Showalter. Since the rear section of the site is currently zoned RR, he suggested that perhaps the layout be revised to move the proposed residential units to the rear of the site where excess parking is currently

proposed. This would allow for the residential buildings to be segregated a bit from the retail spaces, while still providing age-restricted dwelling units within the RR District. Supervisor McIlhinney agreed that residential units, if proposed, should be located closer to the RR District, not in the middle of the overflow parking area.

Supervisor Manfredi urged Mr. Rosenthal to research some of the newer techniques that address impervious surface and traffic flow, and also to minimize the number of access points from Swartley Road. Mr. Rosenthal has retained McMahon Associates to address traffic issues, and has met with PennDot to discuss the possibility of a traffic signal at Swartley Road and Rt. 309. PennDot was agreeable however they would not consider an additional traffic signal between Swartley Road and the new signal that had been erected south of that location.

Chairperson Salvadore suggested Mr. Rosenthal schedule a sketch plan staff meeting with the Township Engineer, Solicitor, and perhaps the Traffic Engineer for additional recommendations and comments, and then move forward through the normal land development process. Personally, Chairperson Salvadore would prefer a more meandering layout, citing that the current proposal appears to “square” for her liking.

Public Comment:

1. Mrs. Nancy Boice of Mill Road approves of the concept, which she feels is a very creative and innovative approach to shopping however she felt it was unfortunate that only one individual would reap such a tremendous financial benefit from a portion of the property being re-zoned. Because of that, Mrs. Boice suggested that consideration be given to rezoning other properties along that entire stretch of the Rt. 309 corridor to PC-1 Zoning in order to provide additional commercial opportunities to others. Supervisor McIlhinney does not feel the Township is precluding anyone from participating in commercial development in that area. Chairperson Salvadore noted that the Township is simply being asked to consider re-zoning that portion of Mr. Rosenthal’s property, and that every property owner has the right to request a change of zoning for their property if they choose to.

There was no further public comment.

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

1. Holly Farms Subdivision – Road Frontage Easement Agreement Resolution and Petition for Street Lights Resolution – Solicitor Grabowski advised that these Agreements have not yet been received, and therefore, this item has been removed from the agenda.

2. Harleysville Savings Bank Land Development Agreement – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize execution of the Land Development and Financial Security Agreements, Pedestrian Access Easement Agreement, Stormwater Facilities Maintenance Bond Agreement, and Right-of-Way

Easement Agreement for the Harleysville Savings Bank Land Development. There was no public comment.

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

1. Univest Land Development – Sidewalk Installation Deferral Request – Mr. Robert Newton, the applicant's engineer, was in attendance to present the request. Correspondence from Univest dated January 9, 2009 was discussed. The applicant is requesting deferral of SALDO Section 140.36 requiring construction of a sidewalk along Univest's Rt. 113 property frontage. Mr. Newton advised that this request is being made to coordinate construction of Lot #2 with the development of Lot #1 proposed by the equitable owner, Metro Development Corporation. It is Metro's intention to preserve a portion of the existing building on Lot #1 for use as an office, and to construct a convenience store with fueling island on the remainder of the property. Development of the property with these uses will require a complete redesign of the access drives along Rt. 113. Specifically being mentioned is the elimination of the two driveways closest to the intersection of Bethlehem Pike and Rt. 113. The third driveway on Rt. 113 is to be shifted to accommodate this development and then extended to the Home Depot. With this proposed construction, the applicant feels it makes sense to defer design, permitting and construction of the sidewalk until Metro Development receives approval of their plans. Univest Corporation is willing to escrow the design, permitting and installation cost for these improvements. If Metro Development does not proceed with its development, Univest would then proceed with the permitting and construction of the sidewalk. At their meeting of February 16, 2009, the Planning Commission recommended approval of the request conditioned upon the sidewalk installation occurring within 24 months of the date of execution of the Subdivision/Land Development Agreement.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to approve the Univest Land Development request to defer the sidewalk installation along Rt. 113 for 24 months from the date of execution of the Subdivision/Land Development Agreement as noted above, in accordance with Mr. Wynn's correspondence dated March 18, 2009. There was no public comment.

2. Penn Foundation II Subdivision (Final) – At their meeting of March 16, 2009, the Planning Commission unanimously recommended conditional final approval of the Penn Foundation II Subdivision located on Diamond Street. The plan proposes construction of a dwelling and proposed group home within Hilltown Township, and 15 townhouse dwellings within West Rockhill Township. The entire site is served by a proposed cul-de-sac street located within West Rockhill. The recommendation for approval is subject to compliance with all condition as contained within the February 17, 2009 engineering review. It is also noted that the West Rockhill Township Board of Supervisors has granted conditional final plan approval. Mr. Mark Smith, the applicant's engineer, was in attendance to present the plan.

Supervisor McIlhinney asked if a restriction had been placed on the property against further expansion of the group home. Mr. Wynn replied that there is not a restriction against further expansion; however he pointed out that the entire rear of the site is located in wetlands and is not buildable. Mr. Godshall, CEO of Penn Foundation stated that he would not be opposed to restricting the group home lot from future expansion if that is the Township's preference.

Over the years, Supervisor McIlhinney recalls that there had been an understanding that the Hilltown Authority would retain the right to provide water and sewer service to parcels located within Hilltown's borders. Solicitor Grabowski explained that the Hilltown Authority will be providing the sewer service in both West Rockhill and Hilltown for this project. There is an Agreement by which Sellersville Borough would have just that particular service district area within Hilltown, which could not be expanded without the approval of Hilltown Township. Lengthy discussion occurred.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Penn Foundation II Subdivision, pending completion of all outstanding conditions as contained within the February 17, 2009 engineering review, and including the additional voluntary restriction by the applicant from further development of the group home lot as agreed upon this evening. There was no public comment.

G. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Diamond Street/Orchard Road Traffic Signal – PennDot has completed the traffic signal design for the intersection of Diamond Street and Orchard Road. All residents to be impacted by the installation of signal poles along the frontage of their properties were notified via correspondence advising of the pending traffic signal installation and requesting comment. Mr. Wynn noted that all poles are located within the legal right-of-way area and no easements were required. The approximate location of the signal poles were staked so that residents could be aware of pole locations. Mr. Wynn's office received responses by the affected residents, with all but one stating that the traffic signal was necessary. One resident, who resides at the southwest corner of the intersection, said she did not believe there was any need for a traffic signal and expressed displeasure with the proposed installation. Discussion took place.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize the preparation of bid specifications for the Diamond Street/Orchard Road Traffic Signal as noted above. There was no public comment.

2. Civic Park Entrance Relocation – PennDot has approved plans to relocate the entrance to the Civic Park. The approval requires the Township to provide PennDot with a bond to guarantee adequate performance and installation in accordance with the plan. Mr. Wynn intends to discuss this issue further with PennDot as it would appear unnecessary for the

Township to post financial security for this relocation. It was unclear to Mr. Wynn whether this driveway relocation would be completed by the Public Works Department, or through advertised bids. It was Mr. Christman's understanding that the Public Works Department would be accomplishing this task. Discussion took place.

In the event the Public Works Department cannot accomplish this task, the Board unanimously authorized the preparation of bids for the Civic Park Entrance Relocation after the Manager and Engineer seek the Board's advice and consent prior to moving forward.

3. Gane Subdivision – Deadline for Completion of Improvements – The deadline for completion of improvements at the Gane Subdivision is March 24, 2009. Correspondence dated March 23, 2009 from the applicant's legal counsel authorizing the offer of an extension of time to install the public improvements associated with the subdivision located on Callowhill Road. Additional correspondence from the applicant's legal counsel dated December 17, 2008 and March 17, 2009, was discussed as well. It was noted that Mr. and Mrs. Gane are in the process of attempting to sell the lot and believe that a transaction can be completed in the very near future. If that does occur, the new purchaser of the lot would assume the responsibilities associated with the Development and the Financial Security Agreements.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize a one-year extension for completion of improvements to the Gane Subdivision until March 24, 2010, as noted above. There was no public comment.

4. Estates at Hilltown Subdivision – Offer of Extension for Completion of Improvements – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to approve the extension in the timeframe for completion of public improvements for the Estates at Hilltown Subdivision until January 23, 2010, subject to an increase in escrow financial security by 10%. There was no public comment.

**\*8:00PM – PUBLIC HEARING: Chairperson Salvadore recessed the March 23, 2009 Hilltown Township Board of Supervisors meeting in order to enter into an advertised Public Hearing to consider the adoption of an Ordinance amending provisions of Ordinance #2008-4, to remove language prohibiting members of the Parks, Recreation and Open Space Citizen's Advisory Committee from serving on more than one Township board, commission or committee simultaneously.**

Motion was made by Supervisor Manfredi, and seconded by Supervisor McIlhinney, to **adopt Ordinance #2009-5, amending provisions of Ordinance #2008-4, to remove language prohibiting Parks, Recreation and Open Space Citizen's Advisory Committee members from serving on more than one Township board, commission or committee simultaneously.** Supervisor McIlhinney was opposed. Motion carried 2:1. There was no public comment.

**\*8:04PM – Chairperson Salvadore reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors.**

H. UNFINISHED BUSINESS:

1. Discussion of Traffic Signal at Good Shepherd Church (Rt. 152/Hilltown Pike) -  
As part of its negotiations with the Township for continued use of the quarry, Haines and Kibblehouse, Inc. agreed to install a traffic signal at the Rt. 152 and Hilltown Pike intersection near Good Shepherd Church, which has received an approved PennDot permit. Previously, the Supervisors directed Mr. Christman to meet with representatives of Good Shepherd Church to discuss coordination of improvements with the new signal and the three existing Church driveways. Mr. Christman and Mr. Wert met with Church representatives on November 13, 2008 to discuss the project. The approved PennDot permit shows that particular driveway being closed to one-way traffic within the complex. Mr. Wynn prepared an analysis noting that the additional changes would cost approximately \$55,581.85. Neither the Church nor Haines and Kibblehouse, Inc. are in the position to absorb these additional expenses. Further, a delay in project completion would increase the Township's exposure to liability claims as an approved permit exists for the traffic signal.

Supervisor McIlhinney questioned the reference in Mr. Christman's memo to "closing" one of the Church's driveways to one-way traffic. Mr. Christman noted that the PennDot permit specifies that this particular driveway would be revised to accommodate only one-way traffic in to the site. Supervisor McIlhinney stated that the Church is entitled to those three accesses as they have had for many, many years. Chairperson Salvadore cited the safety issue with the location of the third access and its proximity to the intersection. Supervisor McIlhinney doesn't feel the Township should have the right to lessen the value of a property or remove an access to a property, simply to negotiate an agreement with the quarry. Mr. Christman stated that Church representatives expressed understanding of the Township's position, and though they are not happy that their third access would be made one-way, if that is the only alternative to gain a safer intersection, they were more than willing to accommodate it. Supervisor Manfredi expressed concern with the possible liability issues involved the longer the installation of a warranted and permitted traffic signal is delayed. It was noted that Mr. Wynn's cost analysis does not include relocation of utility poles, which would be necessary to align the driveway with Rt. 152. Further, if the PennDot permit is revised, there is always the potential they may require closure of the Church's second access along Hilltown Pike. Very lengthy discussion occurred.

Mr. Christman advised that the additional \$55,581.85 needed to revise the PennDot permit has not been budgeted for in 2009. As such, Supervisor Manfredi suggested that the Board table this matter until the April 13<sup>th</sup> worksession meeting in order to provide additional time to review the financial statements to see if there is any funding available that could be transferred from the Capital Fund. Solicitor Grabowski also suggested that the Church be approached to determine if they would be willing to grant a permanent easement for access relocation and for a construction

casement, and whether they would expect financial reimbursement for granting those easements, which would further drive the cost.

2. Authorize Manager to respond to January 30, 2009 CET Engineering letter for Hatfield Township Act 537 Plan Update – The Township received correspondence dated January 30, 2009 from CET Engineering Services seeking specific information for the 2008 Wasteload Management Report for all contributing municipalities to the Hatfield Township Municipal Authority Wastewater Treatment Facility. This information is being sought as Hatfield Township prepares its Act 537 Plan Update. Mr. Christman, in consultation with Solicitor Grabowski, Mr. Wynn, and Mr. Groff has prepared a response letter for the Board's consideration.

Motion was made by Supervisor Manfredi, and seconded by Supervisor McIlhinney to authorize the Manager to respond to the January 30, 2009 CET Engineering letter for the Hatfield Township Act 537 Plan Update. Prior to a vote, discussion took place.

Supervisor McIlhinney questioned item #2 of the draft letter, which refers to twenty four (24) EDU's that Mr. Rosenthal is seeking for the proposed sewer connection of his parcels located on Rt. 309 north of Swartley Road. Mr. Wynn believes that Mr. Rosenthal's initial request for 24 EDU's was for the existing buildings on his property, not for the proposed concept before the Board this evening. Chairperson Salvadore wondered if Mr. Rosenthal's request for 24 EDU's should even be addressed within the response letter.

Supervisor McIlhinney recalls that the goal was to insure that every Hilltown Township property receiving public sewer service was to either be served directly by the Hilltown Authority, or by the auspice thereof, with HTWSA as the provider by purchasing bulk rate from a neighboring Authority to serve Hilltown properties. Mr. Jim Groff, Manager of the Hilltown Authority, was under the impression that the bulk customer program was going to begin with the 24 EDU's being requested by Mr. Rosenthal. He would be leery of taking on the existing sewer service since he has no knowledge of the age, integrity, and condition of the pipe. It is Mr. Groff's understanding that the size of those sewer lines is sufficient. Discussion occurred.

Motion carried unanimously. There was no public comment.

3. Authorization to forward proposed Billboard Ordinance to both Hilltown and Bucks County Planning Commissions for Review: Motion was made by Supervisor McIlhinney, and seconded by Supervisor Manfredi to authorize formal review by the Hilltown and Bucks County Planning Commissions of the proposed Billboard Ordinance, with a message duration of 25 seconds and 0.3 foot candles above ambient light, as discussed at the March 9, 2009 Supervisors meeting. Prior to a vote, discussion took place.



Mr. Christman advised that on March 13<sup>th</sup>, information was received from the Township Planner offering the Supervisors a field demonstration of the new billboard located in Richland Township along Rt. 309 to see an example of 0.3 foot candles above ambient light, which had been discussed at the previous meeting. Solicitor Grabowski wondered if the opportunity for a field demonstration should be offered to the Planning Commission members as well. If, within their 45-day review period, the Planning Commission members wish to visit that billboard in Richland Township on their own, the Supervisors agreed that they should.

Motion carried unanimously. There was no public comment.

I. BOARD MEMBER COMMENTS:

1. Chairperson Salvadore asked the status of a possible update to the current Park Use and Regulation Ordinance. This matter was brought to the Board's attention by Mr. Casper at the February meeting, where he questioned if regulations were in place to enforce the clean-up of dog waste at Township parks. It was noted that the current Ordinance (#94-3) should be updated and amended in the future to specifically address this and other issues, including park hours, etc.

2. Chairperson Salvadore understands that the Hilltown Business Association met in January. Mr. Christman explained that he is waiting for additional information from Mr. Polanchek and Mr. Rosenthal. Supervisor Manfredi recently spoke with both gentlemen, and they feel that there may not be enough interest from the business community during these difficult economic times.

3. Chairperson Salvadore asked that the Board be provided with an update on the ATV Ordinance at a future meeting. Mr. Christman just received a draft Ordinance this afternoon, and forwarded it to Solicitor Grabowski for review.

4. Supervisor McIlhinney had some questions about the format of the Manager's Report, which he will speak to Mr. Christman about later.

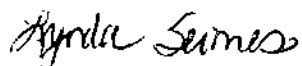
J. PUBLIC COMMENT:

1. Mrs. Nancy Boice of Mill Road inquired as to why the Civic Park entrance is being relocated. Mr. Wynn explained that there is inadequate sight distance due to trees located on a neighboring private property, and because it is currently located too close to the intersection. Mrs. Boice also questioned the higher cost involved for relocating the driveway at the church vs. relocating the driveway at the Civic Park. Discussion ensued.

K. PRESS CONFERENCE: There were no questions or comments from the press that were in attendance.

L. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously, the March 23, 2009 Hilltown Township Board of Supervisors meeting was adjourned at 8:45PM.

Respectfully submitted,



Lynda Seimes

Admin. Asst. to Township Manager/Asst. Township Secretary

(\*These minutes were transcribed from recordings taken by Mr. Wert, and should not be considered official until approved by the Board of Supervisors at a public meeting).