

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, January 26, 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
Bill E. Wert, Asst. Mgr./Dir. of Parks, Rec. and Open Space
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Judy Stern-Goldstein, Township Planner
Lorraine E. Leslie, Finance Director

A. ANNOUNCEMENTS:

1. An Executive Session was held prior to this evening's meeting in order to discuss personnel issues.

2. A Public Hearing has been scheduled for 8PM this evening to consider the enactment of three separate Zoning Ordinance Amendments and one Subdivision/Land Development Ordinance Amendment, as follows:

- An Ordinance amending provisions of Chapter 160, Section 160-83, Enforcement: Zoning Officer Powers and Duties.
- An Ordinance amending provisions of Chapter 160 to add Use B10, Traditional Neighborhood Development in the Village Center Zoning District.
- An Ordinance amending Chapter 160 to add Use B1A Conservation Management Design Use to be permitted within the Rural Residential Zoning District.
- An Ordinance amending Chapter 140 of the SALDO to add requirements for preparation of an Existing Resources and Site Analysis Plan for Use B1A, Conservation Management Design.

2. A Public Visioning Meeting will be held on Tuesday, February 3, 2009 at 7PM to solicit input and ideas relating to the Village of Blooming Glen. Residents are encouraged to provide input regarding their vision for the future of the Village of Blooming Glen, which will then be incorporated into the report outlining a series of recommendations for the Board of Supervisors to consider.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

- Approve Minutes of January 5, 2009 Reorganization Meeting.
- Approve Bills List dated January 27, 2009.
- Accept Financial Report dated December 31, 2008.
- Accept Manager's Report.
- Accept Solicitor's Report.
- Accept Police Report for month of December 2008.
- Accept Fire Company Reports for month of December 2008 – Dublin, Perkasia, Sellersville, Silverdale, Souderton, and Telford.
- Accept 2009 Fire Protection Agreement for Execution following meeting: Hilltown and Souderton.

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

D. CONFIRMED APPOINTMENTS:

1. Mr. Ivan Jurin, Hilltown Historical Society- Request for Township's in-kind services for the protection and/or stabilization of the Thomas-Musselman Log Building – Correspondence from Mr. Lawrence Owen of the Hilltown Historical Society dated January 6, 2009, was discussed. Last September, the Society requested assistance by the Township Public Works Department to stabilize and winterize the Thomas Musselman Log Building currently located at the Hilltown Civic Park. The Society would provide materials at a cost of up to \$1,000.00, including tarps, lumber and/or timber, and all hardware, in order to protect and secure the log structure.

The proposed stabilization plan is as follows:

- Removal of the torn tarps.
- Apply new tarps to the damaged and exposed areas for protection of the building until the future restoration can begin.
- Locate areas on the log building where 2 sets of cantered braces can be set.
- Attach cantered braces to the structure and to the ground. Posts will be driven into the ground and attach braces to the posts.
- Place new tarps on roof with the use of ladders.

It was Supervisor Manfredi's understanding that the Board had previously authorized the Public Works Department to proceed with this work prior to the onset of winter. When this matter was brought to the Board's attention last year, specific direction had not been

provided by the Historical Society; rather those were the details Mr. Christman and Mr. Owen resolved at their meeting on December 3, 2008.

As a matter of liability, Supervisor McIlhinney asked if the representatives of the Historical Society would be directing the Public Works Department's labor. Mr. Jurin understands that either Mr. Owen and/or Mr. Porter would be present to supervise and direct Public Works employees during the stabilization process. In the event the structure collapsed during the process, Supervisor McIlhinney asked how the Historical Society would indemnify the Township and its employees. Mr. Jurin explained that the Society is covered for liability insurance as a non-profit for its own members and property. However, since the building itself is located on Township property, Mr. Jurin is uncertain of how the issue of liability would be resolved. Supervisor McIlhinney also asked who would be financially responsible should the cost of materials surpass \$1,000.00. Mr. Jurin advised that the Society is committed to completing this project, and if the cost should exceed \$1,000.00, a vote would occur to expend additional funds.

Supervisor McIlhinney felt it was odd that a private organization would request that taxpayer's dollars be used to supply the labor for their project. Mr. Jurin commented that the Historical Society is a non-profit agency, not a "private organization," whose mission is to preserve and educate the public about the heritage of the Township. The Society has a membership of 200+ individuals, with a majority consisting of Hilltown residents. As a taxpayer, Supervisor McIlhinney does not appreciate his tax dollars being spent on anything other than what they are supposed to be spent on.

***Chairperson Salvadore recessed the meeting at 7:18PM to enter into Executive Session. The regularly scheduled meeting of January 26, 2009 was reconvened at 7:25PM.**

Motion was made by Supervisor Manfredi to authorize the Public Works Department to perform the requested in-kind services only to assist the Hilltown Historical Society's effort to protect and/or stabilize the Thomas Musselman Log Building located at the Hilltown Civic Park, with the following conditions being met:

- Hilltown Township be indemnified and held harmless to the satisfaction of the Township Solicitor.
- Any Hilltown Historical Society volunteer on-site would sign a waiver indemnifying the Township.
- Any Hilltown Historical Society member directing the Public Works Department to do anything relative to that structure be certified as an expert in this field so that they are providing sound and accurate instruction.
- All work schedules to be coordinated with the Director of Public Works and the Township Manager.

Motion was seconded by Chairperson Salvadore. Supervisor McIlhinney was opposed. Motion carried 2:1. There was no public comment.

Chairperson Salvadore suggested that Mr. Jurin contact the local fire company who may be able to provide assistance with their bucket trucks for tarp placement.

2. Mr. and Mrs. Timothy Gane – Request to Release Financial Security for the Gane Subdivision – The applicant was not present. Mr. Wynn explained that the Financial Security Agreement calls for the work on this project to be completed by February 21, 2009. The PennDot permit expires on March 11, 2009. Lengthy discussion occurred. This issue was tabled for further consideration at the next regular meeting where the Township Solicitor and Engineer are present.

E. LEGAL – Mr. Francis X. Grahowski, Township Solicitor –

1. Keystone Estates– Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-9, to accept the Road Frontage Easement Agreement for the Keystone Estates Subdivision; to adopt Resolution #2009-10, to accept the Deed of Dedication of Gina Circle for the Keystone Estates Subdivision; and to adopt Resolution #2009-11 to accept the Public Purpose of Gina Circle in the Keystone Estates Subdivision.** There was no public comment.

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

1. Giant Food Store Land Development (Preliminary/Final) – Mr. Bill Benner, the applicant's legal counsel, was in attendance to present the plan. At their meeting held on December 15, 2008, the Planning Commission recommended preliminary/final plan approval of the Giant Food Store expansion, conditional upon completion of items as contained in the November 14, 2008 engineering review. Subsequently, a revised plan was submitted to "clean-up" many of the engineering type items. Mr. Wynn's most recent engineering review dated January 20, 2009 was discussed.

With respect to Item #3 of the November 14, 2008 review, the applicant agrees to add a note to the plan as suggested by Mr. Wynn that if traffic signal timing modifications are required to maintain adequate levels of service at the existing intersection, traffic signal timing modifications will be proposed on a revised Traffic Signal Permit Plan and submitted to PennDot for review and approval. Mr. Wynn noted that this language could also be included in the Development Agreement, which the applicant agreed to.

With respect to Item #4 of the January 20, 2009 review regarding the installation of a sidewalk along the property frontage, Mr. Benner advised that the applicant will revise the plan to illustrate the sidewalk upon its property. In reference to the neighboring Univest Land Development project proposed on TMP #15-9-5, located immediately east of the site, the review notes that the Township should consider requiring installation of concrete sidewalk 4 ft. wide along Rt. 113 between the existing site access and the Univest site, through the frontage of TMP #15-1-36-6 within the right-of-way of Rt. 113. In this manner, the sidewalk would provide a pedestrian link between the shopping center access on Rt. 113 and the existing sidewalk along Bethlehem Pike, just north of the intersection with Rt. 113. Mr. Benner reminded the Board that the property in question would constitute an off-site improvement, and would not be under the control of Metro Development. The applicant would be willing, however, to make a Capital Contribution in lieu-of sidewalk construction along the frontage of the existing carwash property, if the Township would be the applicant to PennDot for the sidewalk project. Mr. Benner commented that the location of the sidewalk on the Metro property was intentionally proposed outside of the PennDot right-of-way in order to avoid the permitting process, which can be long and arduous. If it is possible in the future for the Township to succeed in obtaining the PennDot permit, the applicant would be willing to fully fund those costs including the design fees, however the applicant does not wish to see their project delayed over this issue. Supervisor Manfredi would like to clarify the language of "fully funded" versus "capital contribution" to insure that there would be no expense to the taxpayer. Mr. Benner suggested that this particular aspect of the improvements be isolated and segregated in the Development Agreement, with appropriate escrows posted. Lengthy discussion occurred. The Board unanimously agreed that the issue should be addressed with language in the Development Agreement.

The applicant requests waiver of Section 140-17.D of the SALDO, which requires existing features within 100 ft. of the site to be shown. Mr. Wynn recommends that the Supervisors approve the waiver request.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary/final plan approval of the Giant Food Store expansion, including waiver of Section 140.17.D of the SALDO as noted above, and pending completion of all items as contained in the January 20, 2009 engineering review, as well as Items #3, #4, and #8 of that review, as discussed and agreed upon this evening to the satisfaction of the Township Solicitor and Engineer. There was no public comment.

2. Hefner Machine and Tool Land Development Waiver Request – Mr. Todd Seidel, and Mr. Chris Seips, the applicant's architect, were in attendance to present the plan. The January 5, 2009 review and October 6, 2008 ZHB approval were discussed.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant approval of the Hefner Machine and Tool Co. Land Development Waiver Request, conditioned upon completion of Items #2 through #6 as contained in the January 5, 2009 engineering review, as well as compliance with the conditions of the Zoning Hearing Board variance approval dated October 6, 2008, which granted special exception and variance approvals for the building's use and expansion conditioned upon there being no future expansion of the commercial building area on the property, and no exterior storage of any materials/equipment permitted at any time on the premises. There was no public comment.

***8:04PM – Chairperson Salvadore adjourned the regularly scheduled meeting of January 26, 2009 to enter into an advertised Public Hearing to consider the enactment of three separate Zoning Ordinance Amendments and one Subdivision/Land Development Ordinance Amendment.**

Proof of Publication from the Doylestown Intelligencer is on file at the Township office, showing that all four Ordinance amendments were advertised for Public Hearing on January 9th and January 16th. In addition, copies of all four amendments were on file with the newspaper, the Bucks County Law Library, and the Municipal Building for public inspection and review.

1. Proposed Ordinance amending Chapter 160 of the Zoning Ordinance, Section 160-83, Enforcement: Zoning Officer Powers and Duties: Motion was made by Supervisor McIlhinney and seconded by Chairperson Salvadore to **adopt Ordinance #2009-1, amending Chapter 160 of the Zoning Ordinance, Section 160-83, Enforcement: Zoning Officer Powers and Duties.** Prior to a vote, discussion took place.

Supervisor Manfredi referred to Article I, Section B.(2), third sentence, which states "if any such person or persons does not comply with the written notice of violation within a prescribed period of time, the Zoning Officer shall notify the Board of Supervisors for their action, or, if authorized in advance, file a civil complaint with the district justice." He fears that this language would permit the Board of Supervisors to determine, on a case-by-case basis, what provisions of the Zoning Ordinance are to be enforced, which Supervisor Manfredi believes could result in abuse of power by elected officials to interfere with an individual's right to use their land. Solicitor Grabowski noted that the language itself was taken essentially verbatim from the Municipalities Planning Code. Supervisor Manfredi is uncomfortable with the Zoning Officer coming to the Board of Supervisors for direction as to whether or not to proceed with civil enforcement, seemingly on a case-by-case basis. Ms. Stern-Goldstein pointed out that the language "**if authorized in advance,**" which the Board could do on a yearly basis, provides for the option of abdicating direct responsibility to the Zoning Officer, as opposed to the

Supervisors. It would then be the Zoning Officer's role to decide when it was appropriate for a violation to go before the court.

Vote was taken on the original motion. Supervisor Manfredi was opposed. Motion carried 2:1. There was no public comment.

2. Proposed Ordinance amending Chapter 160 of the Zoning Ordinance to add Use B10, Traditional Neighborhood Development (TND): Ms. Stern Goldstein advised that this Ordinance proposes a new use permitted only in the Village Center Zoning District, and permitted only by Conditional Use. The use itself permits a variety of different sub-uses for a mixture of residential and non-residential uses to fit with the "fabric" of the existing villages in Hilltown. The Ordinance amendment includes area/dimensional requirements for the use itself and the different sub-uses, and includes design and performance standards. There is also an Appendix A showing representative buildings in Hilltown Village, Line Lexington Village, Blooming Glen Village, Borough of Dublin, and Borough of Silverdale so that the architectural elements can be incorporated.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Manfredi to **adopt Ordinance #2009-2, amending Chapter 160 of the Zoning Ordinance to add Use B10, Traditional Neighborhood Development (TND)**. Prior to a vote, public comment was heard.

Public Comment:

1. Mrs. Nancy Boice of Mill Road questioned Page 10, Dimensional Requirements, Section H-1, which states "In cases where individual lots are not created such as condominium developments...." She asked for a definition of the word "condominiums." Ms. Stern-Goldstein explained that a condominium is a form of ownership as opposed to fee-simple or condo ownership, as defined in the Municipalities Planning Code. She stressed that it is not a use type, rather it is a form of ownership which does not include lot lines, and therefore the equivalent dimensional standards shall apply. Ms. Stern-Goldstein further stated that any land use could essentially be in condominium ownership, noting that a townhouse development could be either fee-simple or condominium ownership. Even single-family homes could be fee-simple or condominium ownership.

Mrs. Boice wondered why photographs of Dublin Borough and Silverdale Borough were included, since neither is located in Hilltown Township. Mrs. Stern-Goldstein replied that Dublin and Silverdale Boroughs were provided merely as reference for the architectural context alone. Mrs. Boice asked if it is anticipated that this or a similar Ordinance might be implemented in both those Boroughs, as well as within the existing Village Centers in Hilltown. Ms. Stern-Goldstein stated that this use (B-10) will be

permitted in the VC District within Hilltown, which is different from the villages themselves in that it is a Zoning District that currently exists. The VC District is shown on the Zoning Map as a Zoning District, and is currently described and defined in the Zoning Ordinance. It was noted that the Zoning Map is not being changed or revised as a part of this Ordinance. That being the case, Mrs. Boice does not know of a single parcel within any of the Township's Village Center districts that would allow this use to be implemented. For instance, even if all the properties within the Line Lexington Village Center were combined, she does not believe there would be sufficient acreage to equal 15 acres. Mrs. Stern-Goldstein explained that there are parcels within each of the existing Village Center Zoning Districts that could be cobbled together if an individual wished to provide 15 acres, so there are options available for this use.

There was no further public comment.

Original motion carried unanimously. There was no public comment.

3. Proposed Ordinance amending Chapter 160 of the Zoning Ordinance to add Use B1A Conservation Management Design (CMD) Use permitted within the Rural Residential Zoning District: Mr. Wynn explained that this proposed amendment creates a new Use (B1A), which allows more flexibility in lot design and the preservation of environmentally sensitive features through what is called an ERSAP (Existing Resources and Site Analysis Plan), which is the Subdivision/Land Development Ordinance amendment that is proposed as well. This use accomplishes that by decreasing the lot size and dimensional requirements, while slightly increasing the maximum density over the traditional single-family development. However the primary flexibility is the reduction of lot size to 20,000 sq. ft. and the lot width to 100 sq. ft.

Motion was made by Supervisor Manfredi, and seconded by Supervisor McElhinney, to **adopt Ordinance #2009-3, amending Chapter 160 of the Zoning Ordinance to add Use B1A, Conservation Management Design Use to be permitted within the Rural Residential Zoning District.** Prior to a vote, public comment was heard.

Public Comment:

1. Mr. Joe Miketta of Hilltown Pike handed correspondence to the Board of Supervisors dated 1/26/09, a copy of which is on file at the Township office. Mr. Miketta and his family own a 74-acre parcel in the southwestern portion of the Township, and he is very concerned that when and if they choose to subdivide, they will be constrained by the stipulations set forth in this proposed Ordinance, and will be forced to expend significant amounts of money to meet the ERSAP requirements. Furthermore, without a reasonable density bonus, Mr. Miketta and his family would have no equitable means to recoup their costs to subdivide. Mr. Miketta feels this is an attempt to hamper

subdivision of the last few remaining large properties by making it cost-prohibitive to do so. Mr. Wynn explained that the ERSAP plan is only required with this one Use, not with any of the other Uses permitted in the RR Zoning District. Supervisor McIlhinney reiterated that this Ordinance amendment simply provides for another Use option in the RR District when subdividing. While Mr. Miketta appreciates the explanation, he is concerned that future Boards may require this type of development in the coming years, and again referred to the cost of preparing the ERSAP without enough of a density bonus to pay for it.

There was no further public comment.

Original motion carried unanimously. There was no public comment.

4. Proposed Ordinance amending Chapter 140 of the Subdivision/Land Development Ordinance to add requirements for preparation of an Existing Resources and Site Analysis Plan (ERSAP) for Use B1A, Conservation Management Design: Mr. Wynn explained that this is the complementary Subdivision/Land Development Ordinance amendment for the Conservation Management Design Use (B1A) only, which requires the preparation of an ERSAP for any CMD subdivision application proposing 6 or more lots. He noted that the idea behind the Existing Resources and Site Analysis Plan is to provide a closer look at the existing natural resources on the site in order to involve the Township early in the subdivision process prior to the lots being laid out, so as to address environmental features of the site.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2009-4, amending Chapter 140 of the Subdivision/Land Development Ordinance to add requirements for preparation of an Existing Resources and Site Analysis Plan for Use B1A, Conservation Management Design (for 6 lots or more).** There was no public comment.

***8:32PM – Chairperson Salvadore adjourned the advertised Public Hearings and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors at 8:32PM.**

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

1. Reserve at Hilltown Subdivision (Phases I and II) – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to accept an extension in the timeframe for completion of improvements for the Reserve at Hilltown Subdivision (Phases I and II) until July 14, 2009 subject to items contained in the December 1, 2008 correspondence from Mr. Wynn. There was no public comment.

2. White Oak Farm Subdivision (aka: Guidi Homes) – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant a one-year extension in the timeframe for completion of improvements at the White Oak Farm Subdivision until January 26, 2010, pending completion of the three outstanding items as contained within Mr. Wynn’s December 10, 2008 correspondence. There was no public comment.

3. Johnson Tract Subdivision – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to authorize an 18-month extension in the timeframe for completion of improvements as required by the Development/Financial Security Agreement for the Johnson Tract Subdivision, subject to increasing the Performance Bond by an amount of \$23,342.30 and increasing the cash escrow account held by the Township by \$3,570.00. There was no public comment.

4. Estates at Hilltown Subdivision – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to grant a 12-month extension in the timeframe to complete improvements within the Estates at Hilltown Subdivision until January 23, 2010, subject to an increase in the financial security by an amount of 10% pursuant to requirements of the executed Development/Financial Security Agreement. There was no public comment.

H. UNFINISHED BUSINESS –

1. Consider Resolution for Tax Collector’s Compensation for Years 2010 through 2013 – For the Board’s consideration, Mr. Christman’s memo of January 21, 2009 with a summary spreadsheet analysis of three separate options as prepared by the Administration, (along with a fourth option as presented by Supervisor McIlhinney today) was discussed:

Exhibit A – (Tax Collector’s proposal) - 4% increase per year with \$5.00 per interim bill, Cost of annual membership dues (\$50.00), Postage (\$2,319.00), Printing (\$1,200.00), Utilities (\$500.00), 100% Township coverage of all convention/training expenses (currently Twp. Pays \$300.00 toward these costs), and requests Township coverage of any software upgrades due to changes in tax structure (currently not covered by Township). Total annual salary with interim bills for 2010 - \$26,205.00.

Total cost over four-year period: \$124,452.00

Exhibit B – (Administration proposal) - 3% increase per year with \$2.00 per interim bill, Cost of annual membership dues (\$50.00), Postage (\$2,319.00), Printing (\$1,200.00), Utilities (\$500.00, \$300.00 toward costs of convention/training expenses, with zero

dollars toward software upgrades. Total annual salary with interim bills for 2010 - \$25,960.00.

Total cost over four-year period: \$123,030.00

Exhibit C – Administration proposal using an outside agency to collect taxes – Berkheimer Associates - \$2.25 per bill and \$2.25 per interim bill, Cost of annual membership dues (\$50.00), Postage (\$2,319.00), Printing (\$1,200.00), Utilities (\$500.00), \$300.00 toward costs of convention/training expenses, and zero dollars toward software upgrades. Total annual salary from interim bills for 2010 - \$12,422.25.

Total cost over four-year period: \$67,165.00

Exhibit D – (As submitted by Supervisor McIlhinney on this date) – Total of \$24, 985.00 includes a 2% cost-of-living adjustment and the cost of \$2.00 per interim bill.

Supervisor Manfredi clarified that Exhibit C is based upon a third party contractor performing the tax collection service, however he noted that there would be no individual physically located in this building to answer questions or provide customer service. When this issue came before the previous Board four years ago, Supervisor Manfredi stated that the rationale for setting the compensation included the fact that there would be a tax office located in this building with no rental fee, because the proposal submitted at that time was much greater than what was finally determined.

Supervisor McIlhinney asked why the Township is paying the Tax Collector's phone bills, since that cost had always be their own responsibility in the past. Mr. Christman explained that when the 2008 Budget was adopted, which had been prepared by the Management Consultant at that time, it included a \$200.00 annual operating expense line item, and as such, telephone expenses were covered. Mr. Christman therefore continued with that line item in the 2009 Budget.

To Supervisor McIlhinney's recollection, the Supervisors never authorized payment of the tax office phone bill. Further, the office space currently occupied by the Tax Collector, could, in Supervisor McIlhinney's opinion be used to provide additional office and/or storage space for the Administration Department. He noted that there is no requirement in the MPC that the Township must provide free office space or any office space at all, to the elected Tax Collector. Supervisor McIlhinney believes consideration should be given to providing office accommodations for the Tax Collector in a location other than this building beginning in 2010. Bearing in mind the economic restraints imposed upon Township residents, he feels that a 2% increase per year for what is essentially a part-time position, is more than adequate.

It is Supervisor Manfredi's understanding that the law requires the position of Tax Collector, and it is the Tax Collector's decision as to whether or not an independent person or agency is appointed. Mr. Christman confirmed that statement was correct.

Supervisor McIlhinney did not suggest that the Exhibit C option be chosen, and noted that there is great benefit for the availability of individual Tax Collector to meet with and assist the public. It is Supervisor McIlhinney's main concern that the Township is subsidizing the Tax Collector position at the expense of our own needs for storage space. Therefore, he suggested that the Tax Collector operate its office from a location other than the Township building.

Mrs. Telly appreciates the discussion this evening, and agrees that the economic situation is such that the Township must be very careful with its tax dollars. With respect to Supervisor McIlhinney's concern with the phone bill, Mrs. Telly explained that she had submitted four months worth of phone bills to the Township, with the other half submitted to the County. She explained that there were expenses she had not submitted to the Township because she had reached the \$200.00 operating expense maximum. Expenses not submitted included \$25.00 for dues, an additional \$17.40 for postage, and approximately \$47.00 for additional convention fees, all of these costs which basically balance out to the total phone bill costs. If the phone bill is a concern, Mrs. Telly will certainly not submit those for payment in the future. If it is an option to save taxpayer dollars, Mrs. Telly would be willing to connect to the Township's phone system if there an extension is available.

Though it is only a small part of the Township operating budget, Mrs. Telly did not request office copies of the tax bills for the upcoming billing cycle. She was paid for software programming so that she can print bills when needed, which saves the taxpayers approximately \$580.00 per year. Mrs. Telly explained that interim bills are issued every year in addition to the regular tax bills, for which the Township pays compensation for each interim bill. From 1998 to 2005, Mrs. Telly believes the compensation was \$4.00 per bill however that amount was reduced to \$2.00 per bill in lieu-of charging office rent.

Supervisor Manfredi fully supports the tax office being located in the municipal building, and accessible to the public as a service and convenience to the taxpayers.

Chairperson Salvadore has heard from many residents that they are very pleased and satisfied with Mrs. Telly's service, based upon the level of customer service provided. Further, she understands that Mrs. Telly previously expressed concern with lack of security if she were to move her office to another off-premise location. Discussion took place.

Motion was made by Supervisor Manfredi and seconded by Supervisor McIlhinney to **adopt Resolution #2009-12** (using Exhibit B of Mr. Chrisman's summary spreadsheet dated January 21, 2009 and as noted above), **setting the rate of compensation of the Hilltown Township Tax Collector for the years 2010, 2011, 2012, and 2013 as follows: For 2010 - Flat rate of \$25,230.00 plus \$2.00 per interim billed twice per year; For 2011 – Flat rate of \$25,987.00 plus \$2.00 per interim billed twice per year; For 2012- Flat rate of \$26,767.00 plus \$2.00 per interim billed twice per year; and for 2013 – Flat rate of \$27,570.00 plus \$2.00 per interim, billed twice per year; and with the stipulation that a Memorandum of Understanding be drafted relative to the issue of office space in the municipal building offsetting compensation for the interim.** Prior to a vote, discussion took place.

With respect to office space, Supervisor McIlhinney asked the Manager to first determine what square footage is required for the tax office, and then provide options for an appropriate alternative office location. If the recommendation is to relocate the tax office, Supervisor Manfredi requested that the matter be brought back to this Board for consideration first. Lengthy discussion occurred.

****9:15 PM – Chairperson Salvadore called for a brief recess at the request of Solicitor Grabowski. The regularly scheduled meeting was reconvened at 9:20PM.**

Supervisor Manfredi withdrew his original motion, and Supervisor McIlhinney withdrew the second to the original motion.

Motion was made by Supervisor Manfredi and seconded by Supervisor McIlhinney to **adopt Resolution #2009-12, (using Exhibit B of Mr. Christman's summary spreadsheet dated January 21, 2009), setting the rate of compensation of the Hilltown Township Tax Collector the years 2010, 2011, 2012, and 2013 as follows: For 2010 – Flat rate of \$25,230.00 plus \$2.00 per interim billed twice per year; for 2011 – Flat rate of \$25,987.00 plus \$2.00 per interim billed twice per year; for 2012 – Flat rate of \$26,767.00 plus \$2.00 per interim billed twice per year; and for 2013 – Flat rate of \$27,570.00 plus \$2.00 per interim billed twice per year.** Prior to a vote, public comment was heard.

Public Comment:

1. Mrs. Nancy Boice mentioned that the originally stated Resolution number was incorrect. It was determined that the correct number was Resolution #2009-12.

There was no further public comment.

Motion carried unanimously. There was no public comment.

Motion was made by Supervisor Manfredi to authorize the Township Manager to consult with the current Tax Collector, and then to draft a Lease Agreement (month-to-month) with provisions of such lease to include an office space in a convenient location to the public in the Township's government center area, for review by the Township Solicitor and the Board of Supervisors at a future public meeting. Motion seconded by Supervisor McIlhinney. Prior to a vote, public comment was heard.

Public Comment:

1. Mrs. Diane Telly, current Tax Collector, asked if the reference to a lease would imply that rent would now be charged. It was Supervisor Manfredi's personal opinion that the office rental fee should be \$1.00. Supervisor McIlhinney commented that the lease does not necessarily refer to a rental fee. Chairperson Salvadore stated that this motion strictly separates the office lease issue from the compensation issue.

There was no further public comment.

Motion carried unanimously. There was no public comment.

2. Further discussion on creating a Policy Statement limiting individuals to serving on only one Township board/committee simultaneously – Personally, Supervisor Manfredi would not support a policy limiting individuals to serving on only one Township board, committee, or commission simultaneously.

Supervisor McIlhinney fully supports creation of a policy limiting individuals to serve on only one Township board, committee, or commission simultaneously. He recalls that it had been argued that this should be the policy for the Parks, Recreation, and Open Space Citizens Advisory Committee, and as such, language was specifically added to the Ordinance creating that committee.

While it has not occurred during her tenure, Chairperson Salvadore understands that there had been years where there were not enough volunteers to fill vacancies. Since that could be the scenario in the future, she would not support adopting such a policy.

Motion was made by Supervisor McIlhinney to revise the Ordinance creating the Parks, Recreation, and Open Space Committee to remove the above noted restrictive language for individuals serving on that Committee. No vote was taken.

As a point of order, Supervisor Manfredi suggested that Mr. McIlhinney's motion be added as the last item for discussion under "Unfinished Business."

Since it appears that no such policy will be adopted by this Board, Supervisor Manfredi asked how this might affect actions already taken at the Reorganization meeting. He noted that specific actions were taken at that meeting by a majority of the Board of Supervisors, excluding himself, which were contrary to such a policy. Chairperson Salvadore explained that her decisions at that meeting were based upon an understanding that she had, and commented that policy did not determine her decisions.

3. Further discussion on creating a Policy Statement limiting length of appointed terms on Township boards/committees/commissions and any guaranteed appointment thereafter - Chairperson Salvadore stated that this issue came to the forefront due to one individual who had been appointed for a year to complete a term vacated by another individual, and there had then been discussion that they were then guaranteed to have an appointment to a another full four-year term. She wished to make it clear that no such policy currently exists. Supervisor McIlhinney felt that was certainly what this Board's action shows in the past. It is his opinion that such a policy acts as an inducement to attract and encourage qualified individuals to remain appointed to various boards or commissions. Lengthy discussion occurred.

At the Reorganization meeting, Supervisor Manfredi found it fascinating that one Supervisor was willing to establish a term limit for one individual's ability to serve, yet later that evening, had no qualms about reappointing another individual to the Zoning Hearing Board for probably his seventh consecutive term, with no questions asked.

4. Consider appointment to Planning Commission (one 4-year term ending 12/31/12) and to Vacancy Board (one 1-year term ending 12/31/09) -

Planning Commission (One 4-year term): Candidates include Chuck Kulesza, Anita Menegaux, and Gregg Morrison - Discussion took place. Since neither Chairperson Salvadore nor Supervisor McIlhinney were able to reach Ms. Menegaux to discuss her interest, the Board of Supervisors unanimously agreed to table appointment to the Planning Commission vacancy until the February 9, 2009 meeting.

Vacancy Board (One - 1-year term) - Candidates include: Ken Bennington, Chuck Kulesza, Joe Marino, Gregg Morrison, Frank Palumbo, D. Brooke Rush, and John Wietecha.

Motion was made by Supervisor Manfredi to appoint Mr. Joe Marino to a one-year term on the Vacancy Board. There was no second to the motion.

Motion was made by Supervisor McIlhinney to appoint Mr. Ken Bennington to a one-year term on the Vacancy Board. There was no second to the motion.

Motion was made by Chairperson Salvatore and seconded by Supervisor Manfredi to appoint Mr. D. Brooke Rush to a one-year term on the Vacancy Board. Prior to a vote, discussion took place.

Supervisor McIlhinney noted that for many, many years, it has been tradition to appoint a former Supervisor to the Vacancy Board, and as such, Mr. Bennington would fit that description having served for 17 years on the Board of Supervisors. Further, Supervisor McIlhinney believes Mr. Bennington has the temperament and the knowledge to serve in that capacity. He also feels that consideration should be given to past history and tradition by honoring former Supervisors in Hilltown Township with appointment to the Vacancy Board.

Supervisor Manfredi explained that the reason he nominated Mr. Marino was because of his involvement in and service to the Township over the past several years.

Chairperson Salvatore nominated Mr. Rush for the same reasons – that he was born and raised in Hilltown Township, has served on the Planning Commission, and also operates a business in the Township.

Public Comment: None.

Supervisor McIlhinney was opposed to the original vote. Motion carried: 2:1. There was no public comment.

5. Ludlow Trail Easement Status Report – Mr. Wert, Director of Parks, Recreation, and Open Space noted that he has not received any response from Mr. and Mrs. Ludlow.

Supervisor Manfredi asked if Mr. Wert has begun work on a Pedestrian Trail Plan recommendation. Mr. Wert advised that the Trail Plan is a component of the PROS Committee's Open Space Plan update, which is required in order to secure funding from the County.

Supervisor McIlhinney had previously requested that a timely outline be established for recreational programs to be offered, and asked for an update of the programs that are being considered. Mr. Wert has begun compiling information and working with the PROS Committee for upcoming recreation programs, including activities that had been offered in the past such as the Easter Egg Hunt, Memorial Day Service, Halloween Fest, Tennis Camp, Theater Camp, etc. Discussion occurred. Chairperson Salvatore suggested that Mr. Wert prepare an outline and presentation of the recreational programs he intends to pursue for review at the next meeting.

6. Consider proposed Sewer Service Agreement with Souderton Borough – Solicitor Grabowski presented a draft Sewer Service Agreement between Souderton Borough and Hilltown Township, which establishes physical service area, policies, rules and regulations for Souderton Borough to provide sanitary sewer service to Hilltown residents. The drafting of such an agreement was sparked by the U-TH Fitness Center Land Development Project, which is to receive sewer service through Souderton Borough. Lengthy discussion occurred. Solicitor Grabowski will bring forth this proposed Agreement for the Board's consideration and execution at a future meeting.

I. NEW BUSINESS –

1. Review and discussion of memo from Hatfield Township regarding proposed improvements to intersection of County Line Road and Rt. 309 – The memo from Hatfield Township dated December 29, 2008 was discussed. Mr. Christman and Supervisor McIlhinney met with Mr. Haines of Hatfield Township, where it was noted that the proposed plan indicates minimal improvements, mainly line striping, to occur in Hilltown. If that is indeed the case, Supervisor McIlhinney questioned whether consideration should be given to providing any funding at all. He conveyed his views to Mr. Haines about perhaps extending Hilltown Pike across Rt. 309 into the now closed off Line Lexington Road, which Supervisor McIlhinney feels may relieve some of the traffic congestion in that area. It was noted that Hatfield Township is seeking a letter of support to move forward with this project, which Supervisor McIlhinney would be agreeable to, however he expressed caution with committing any monetary support for the project. As the Traffic and Transportation Liaison, Supervisor Manfredi suggested that Mr. Christman, Mr. Wynn, and Mr. Heinrich, the Traffic Engineer, be authorized to meet and establish scenarios for the Board's consideration. Discussion took place. The Board directed Mr. Christman to draft correspondence offering support of the project without committing to any financial responsibility until the extent of the proposed improvements, if any, in Hilltown Township has been determined.

2. Consider adoption of Resolution for the joint application for Recycling Grant Funding with East Rockhill Township and Dublin Borough – Motion was made by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2009-13, a joint Resolution to form the Hilltown Township-East Rockhill Township-Dublin Borough Recycling Compliance and Sustainability Consortium for the joint application for Recycling Grant Funding.** There was no public comment.

3. Discuss directing Hilltown Planning Commission to review the high-priority items in the Hilltown Village Visioning Committee Report and make recommendations for next steps to Board of Supervisors – Given the lull in Planning Commission activity at this time, Supervisor Manfredi felt this would be the perfect

opportunity to task the Commission with review of the Hilltown Village Visioning Committee Report.

Motion was made by Supervisor Manfredi and seconded by Chairperson Salvadore to direct the Planning Commission to review the high-priority items in the Hilltown Village Visioning Committee Report and to then make recommendations to the Board of Supervisor as to how to move forward. Prior to a vote, discussion took place.

Without a specific source of funding to pay for the high-priority items, Supervisor McIlhinney questioned the value of a review by the Planning Commission. Lengthy discussion occurred.

Public Comment:

1. Mr. Joe Marino, temporary chairman of the Planning Commission, was also not certain that a review by the Commission would be productive, and requested clarification on what exactly the Supervisors hope to accomplish. In Supervisor Manfredi's opinion, the Planning Commission's review should relate to the Comprehensive Plan, Subdivision Ordinance, and Land Use applications.

There was no further public comment.

Motion carried unanimously. There was no public comment.

4. Consider adoption of Bucks County Incident History Confidentiality Agreement and Non-Disclosure Agreement – Supervisor McIlhinney stated that the Memorandum and Agreement that Bucks County wants municipalities to sign appears to be in direct conflict with the Open Records Law and seems to be an attempt to stifle the amount of information available to the public. It appears to Supervisor Manfredi that if Hilltown does not have this Agreement in place, the police department will not have access to documents they may require to either prevent or solve a crime. Chief Engelhart confirmed that the information provided by the County is necessary to the effective operation of the department. The Police Department currently has policy and controls in place to insure that no confidential information is disseminated in violation of any privacy laws. Supervisor McIlhinney asked if any portion of the Agreement is contrary to the Open Records Law. Chief Engelhart believes there are exemptions in the new Open Records Law addressing that.

Motion was made by Supervisor Manfredi and seconded by Supervisor McIlhinney to authorize the execution of the Bucks County Incident History Confidentiality Agreement and Non-Disclosure Agreement. Prior to a vote, further discussion occurred.

Supervisor McIlhinney requested a thorough review of the document by the Township Solicitor prior to execution to insure compliance with the revised Open Records Law. Both Supervisor Manfredi and Chairperson Salvadore had no objection.

Motion carried unanimously. There was no public comment.

5. Consider adoption of Resolution authorizing Township Manager to execute all required forms and documents for amending terms of the Mill Road Bridge Federal Aid Bridge Project Agreement – Motion was made by Supervisor McIlhinney, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2009-14, authorizing the Township Manager to execute for and on behalf of Hilltown Township, all forms and documents for the purpose of amending the terms of the Mill Road Bridge Federal-Aid Bridge Project Agreement (#068137).** There was no public comment.

6. Consider providing financial support to the Hilltown Fire Company to aid in rebuilding fire station damaged by fire – In December, a fire resulting from a vehicle crash damaged the Hilltown Fire Company building in Line Lexington, resulting in unexpected costs for repair of the building, many of which were not covered by insurance. Mr. Bill Devlin, Deputy Chief of the Hilltown Fire Company, was in attendance along with other members of the fire company to discuss their request for financial assistance.

Supervisor McIlhinney referred to a report by Mr. Paul Zambrowski, Jr., who is the structural engineer that was hired by the fire company's insurance company. Upon reading the report and viewing the accompanying photographs, Supervisor McIlhinney noted that the report indicates minimal damage to the building and no mention of the estimated dollar amount required to repair the damage.

Mr. Devlin was unaware of the report Supervisor McIlhinney referred to, and explained that the entire front wall of the building must be removed and replaced. Selective Insurance consulted with an engineering firm, and hired a contractor to inspect, and evaluate the damage, which has been estimated at \$166,000.00. After reviewing all options including demolition, relocation, or purchasing the property to the rear of the site, which is currently for sale at a cost of \$600,000.00, the fire company membership has opted to make some improvements to the existing building simultaneously during repair of the fire damage at an additional cost of approximately \$125,000.00 to \$150,000.00. To address safety concerns, Mr. Devlin noted that all of the utilities will be relocated to the rear of the building. Additional improvements include installation of a wider door at 12 ft. by 12 ft.

Supervisor McIlhinney personally questioned the logic of spending \$166,000.00 for repairs with an additional \$150,000.00 for improvements to a 60-year old building in an extremely poor location. He feels it would be more prudent to sell the building, and put the profits toward the purchase of additional land near their second station on Rt. 152. Once repairs and renovations are complete, Mr. Devlin believes that the existing building would meet all their needs to become a substation, with the station on Rt. 152 becoming the main headquarters for the fire company. He explained that to move from their Line Lexington location would result in them being unable to continue to serve neighboring municipalities such as New Britain Township and Hatfield Township, which in turn would result in an even greater loss of funding that the fire company cannot afford. Supervisor McIlhinney requested a copy of the \$166,000.000 repair estimate from Selective Insurance. Lengthy discussion occurred.

Mr. Christman investigated past practice for previous donations to fire companies, and discovered that the Township contributed \$9,000.00 over a three year period to both the Silverdale and Sellersville fire departments.

Supervisor McIlhinney asked if the fire engine itself was insured, and Mr. Devlin replied that it was insured on own a separate policy.

Supervisor Manfredi asked when the property behind the fire station was last appraised. Mr. Devlin replied that it was very recently appraised at approximately \$550,000.00. Supervisor Manfredi suggested that the Township Manager, along with representatives of the fire company, approach the bank to see if a compromised lower price might be offered to the fire company. He feels the bank might be more amenable to a more reasonable price if they know the Township fully supports the fire company in its effort to purchase the property. Mr. Devlin would be willing to do so however the fire company intends to proceed with its plan for repairs and improvements because time is of the essence.

If the Board is to consider the request for monetary assistance, Supervisor Manfredi asked that a clear, itemized listing of funding, and what that funding would be used for be submitted for the Board's review. Mr. Devlin agreed to comply within the next few days, but stressed that work will continue on repairing the fire damage.

7. Consider Parks, Recreation and Open Space Citizens Advisory Committee Ordinance Amendment – The Board unanimously directed the Township Solicitor to prepare a draft amendment to the Ordinance that created the Parks, Recreation and Open Space Citizens Advisory Committee, to delete the section referring to members only being able to serve on one Township board, commission or committee simultaneously.

J. BOARD MEMBER COMMENT:

1. Supervisor Manfredi suggested that consideration be given to expanding the Zoning Hearing Board to a five-member board. Supervisor McIlhinney wondered what purpose it would serve. Supervisor Manfredi, who previously served on the Zoning Hearing Board, recalls that there had been incidents when only one member could convene. Further, two additional members would bring forth new and fresh ideas when interpreting the Zoning Ordinance. Supervisor Manfredi also believes it would allow the existing three members to achieve continuity, while providing for two additional individual's opinions and thoughts, and most importantly, would provide an opportunity for individuals to serve their community. In these days of economic stress, Supervisor McIlhinney commented that two more individuals serving on the ZHIB would incur additional expense. Discussion occurred. Supervisor Manfredi asked that this item be placed on a future agenda.

2. Supervisor Manfredi requested, once again, that applicants for subdivision/land development provide a PDF presentation of their proposal at public meetings, as is required by the Subdivision/Land Development Ordinance.

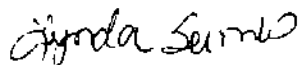
K. PUBLIC COMMENT:

1. Mrs. Nancy Boice of Mill Road asked if the driver of the vehicle who caused the accident and the resulting fire to the Hilltown Fire Company building, had insurance. Supervisor McIlhinney explained that the driver had \$50,000.00 of insurance, and believes that the individual's estate could be pursued to make up the difference.

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

M. ADJOURNMENT: Upon motion by Supervisor Manfredi, seconded by Supervisor McIlhinney, and carried unanimously, the January 26, 2009 Hilltown Township Board of Supervisors meeting was adjourned at 10:59PM.

Respectfully submitted,



Lynda Seimes

Assistant Secretary/Admin. Asst. to Township Manager

(*These minutes were transcribed from recordings and are not considered official until approved by the Board of Supervisors at a public meeting).