

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, September 24, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:35PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvatore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board of Supervisors met in Executive Session on September 14, 2007 to discuss personnel; and also met in Executive Session on September 20, 2007 to discuss personnel, litigation, and real estate matters.

2. The Hilltown Township Halloween Fest will be held on Sunday, October 28, 2007 from 2:00PM to 6:00PM at the Pearl S. buck International site.

3. Candidate's Night will be held on Tuesday, October 23, 2007 at 7:00PM here in the Municipal building.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

1. Minutes of the September 10, 2007 Supervisor's Meeting
2. Bills List dated September 25, 2007
3. Treasurer's Report dated August 2007
4. Solicitor's Report
5. Notification of Sketch Plan Staff Meeting -- Petteruti Proposal Specialty Food Store

Motion was made by Supervisor Salvatore, seconded by Supervisor McIlhinney, and carried unanimously to approve the Consent Agenda as proposed. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

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

1. EPA Pre-Treatment Ordinance/Resolutions for Public Hearing – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize the advertisement of a Public Hearing at 7:15PM on Monday, October 22, 2007 to consider the adoption of an Ordinance amending Section 124-8, Pre-Treatment Regulations of Chapter 124 of the Code of Ordinances, providing for the deletion of Section 124-8 and the replacement of same by the proposed revised Section 124-8, Specific Pollutant Limitations, which would require that sanitary wastewater entering any public sanitary sewage collection system within Hilltown Township shall be pre-treated to appropriate levels required by the collecting governmental agency or treatment agency; and that local pre-treatment limits may be modified by future separate Resolution of the Hilltown Township Board of Supervisors. There was no public comment.

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

1. Beer/Ken-Jan Farm Lot Line Adjustment (Preliminary/Final) - This lot line adjustment subdivision located within frontage primarily on Twinbrook Road was unanimously recommended for preliminary and final approval subject to completion of items contained within the September 4, 2007 engineering review. The Planning Commission also unanimously recommended waivers requested by the applicant as referenced in Item 3.A-D of the engineering review. It was also acknowledged at the meeting that the maximum impervious surface coverage referenced in item #5 of the engineering review should be 15%, not 12% for a single-family detached dwelling use in the RR Zoning District.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Beer/Ken-Jan Farm Lot Line Adjustment Plan, pending completion of all outstanding items as noted in the September 4, 2007 engineering review, with assurances that the conservation easement is in no way encumbered on this property. There was no public comment.

2. Hilltown Crossings (Wal-Mart) Shopping Center Expansion – Mr. Marc Kaplin, the applicant's legal counsel, and Mr. Steve Wolfson, the applicant, were in attendance to present the plan. Mr. Wynn's review dated September 7, 2007 was discussed.

The Planning Commission unanimously recommended conditional final plan approval of the Hilltown Crossings (Wal-Mart) Shopping Center Expansion Land Development Plan, pending completion of outstanding items as contained within the September 7, 2007 engineering review. Specific items reviewed by the Planning Commission during the

meeting included Item #1 relative to contributions in lieu-of sidewalk as determined by the Board of Supervisors at time of preliminary plan approval; Item #2 relative to Route 309 improvements; Item #3 relative to stormwater management improvements; and Item #5 relative to the approval of the Hatfield Township Municipal Authority for sanitary sewer service. It was noted that the applicant must receive approval for the additional sewage flow in writing from the Hatfield Township Municipal Authority prior to execution of the plan by the Board of Supervisors and issuance of a zoning/building permit for construction activity.

Mr. Kaplin advised that the applicant agrees with the Hatfield Municipal Authority that Planning Modules and/or an exemption would not be required. He explained that the original planning module approval for this shopping center was for 22,000 gallons, however even at full center occupancy, the applicant has not historically used more than 15,000 gallons. It is Mr. Kaplin's estimation that the shopping center's use may increase to approximately 20,000 gallons with the proposed expansion. He noted that the Hatfield Authority has agreed to provide correspondence confirming that there is sufficient capacity to serve the site. Supervisor McIlhinney expressed concern that there would be sufficient sewage capacity available if another large box store would be proposed within that shopping center. Based upon the fact that there was a supermarket at one time in the shopping center, Mr. Kaplin believes that whatever type store is proposed for the center would be sufficiently served by the current sewage capacity. He further noted that if additional capacity were required, the applicant would be back before the Board of Supervisors. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant conditional final plan approval to the Hilltown Crossings (Wal-Mart) Shopping Center expansion Land Development Plan, pending completion of all outstanding items as contained within the September 7, 2007 engineering review, as noted above, and requiring that correspondence must be received from Hatfield Township Municipal Authority confirming there is sufficient sewage capacity to serve the site. There was no public comment.

G. ENGINEERING - None.

H. OLD BUSINESS:

1. Four-Way Pre-Emption Bid Award - By a vote of 7:0, the Hilltown Township Fire Prevention Bureau recommended the installation of a four-way pre-emption device at the intersection of Rt. 113 and the Souderton Square Shopping Center Entrance/Exit and County Line Road. The amount of \$9,000.00 was budgeted in the 2007 Fire Fund for that purpose. Via correspondence dated July 3, 2007, final approval was received from PennDot, and three phone bids were obtained as follows:

Armour & Sons	\$ 8,700.00 (including controller modifications)
Miller Brothers	\$ 10,000.00
Carr Duff	\$ 8,500.00 (plus controller modifications, estimated at several thousand dollars)

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore to award the contract for the pre-emption device to Armour and Sons in the amount of \$8,700.00, which includes controller modifications, as noted above. Prior to a vote, discussion took place.

Supervisor Salvadore amended the original motion, which was seconded by Supervisor McIlhinney, and was carried unanimously to reference the requirements in the July 3, 2007 correspondence from the Commonwealth of Pennsylvania Department of Transportation. There was no public comment.

Motion carried unanimously. There was no public comment.

I. NEW BUSINESS:

1. Board and Commission Meeting Attendance – Supervisor McIlhinney referred to the attendance records for the Planning Commission, Open Space Committee, and Park and Recreation Board, noting that there appears to be a growing list of absence codes such as: Sick, Death in Family, Work Commitment, Late, No Reason Given, Previous Obligation, Vacation, No Quorum, etc. He feels that by providing and allowing for excuses for missed meetings, it gives the members a false sense of security and implies that it is acceptable to not attend these volunteer board/commission meetings. Supervisor McIlhinney also referred to a number of meetings where there was no quorum, and stated that attendance should be taken regardless of whether the meeting was held or not, so that the Board of Supervisors is aware of who attended and who did not, thereby creating a no quorum situation. Supervisor Salvadore believes that Mrs. Seimes, who was charged with compiling meeting attendance, simply used the absence code as a means of tracking attendance when the chairs of each board/committee provided the information to her.

Discussion took place concerning a policy that requires board and commission members to attend 80% of all scheduled meetings, which includes special meetings and Worksession meetings.

Public Comment:

1. Mr. Joe Marino of Redwing Road asked if the 80% attendance policy would include any additional special meetings that are scheduled. The Supervisors replied that all scheduled meetings, including special meetings, would be included.

It was the consensus of the Board of Supervisors that Solicitor Grabowski should review the policy and provide a legal interpretation of same.

2. Notification of Annual Minimum Municipal Obligation (MMO) Worksheet for Police and Non-Uniform Pension Plan – Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. The law requires that the governing body of the municipality be informed of the plan's expected financial obligation for the coming year, which must be accomplished by the last business day of September. Correspondence from Township Treasurer, Lorraine E. Leslie, dated August 27, 2007 was reviewed by the Supervisors, and serves to satisfy the legal requirements of notification of Act 205. No action required.

3. Replacement of Oil Burner at Former Municipal Building in Blooming Glen – Mr. Bennington explained that the cast iron oil burner at the former municipal building must be replaced. The following quotes were received:

Diversified Refrigeration	\$5,700.00 cast iron replacement
Tustin Mechanical	\$7,263.99 cast iron replacement
**Carney Plumbing	\$5,240.00 steel replacement

**It was noted that the quote from Carney Plumbing was for a steel boiler, rather than a cast iron boiler. Carney Plumbing indicated that they would provide a quote for a cast iron replacement by tomorrow afternoon. Discussion took place.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to authorize replacement of the oil burner with a cast iron oil burner at the former Municipal Building in Blooming Glen to Diversified in the amount of \$5,700.00. Prior to a vote, discussion took place.

***8:16PM – The regularly scheduled meeting of the Hilltown Township Board of Supervisors was recessed at 9:16PM and the Board entered into a brief Executive Session in order to discuss a legal matter with the Township Solicitor.**

***8:23PM – The regularly scheduled meeting of the Hilltown Township Board of Supervisors was reconvened at 8:23PM.**

Original motion was restated by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to authorize replacement of the cast iron oil burner at the former municipal building in Blooming Glen to Diversified Refrigeration in the amount of \$5,700.00. There was no public comment.

4. Appointment of Design Engineer for Preliminary Design Work on Mill Road Bridge Project – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint McCormick Taylor as the design engineer for the preliminary design work on the Mill Road Bridge Project. There was no public comment.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi received information from the Bucks County Commissioners regarding the "Save Bucks County Open Space Referendum," seeking a Resolution of support from Hilltown Township. Discussion took place. The Board decided that this issue should be placed on a future agenda for consideration.

K. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road asked if expense was a factor in choosing the Design Engineer for the preliminary design work on the Mill Road Bridge Project. Mr. Wynn advised that it was not.

Mrs. Teed, who is a member of the Park and Recreation Board, noted that at one time, she was notified by the chairman of the P&R Board prior to a regularly scheduled meeting to advise that the meeting had been cancelled due to the anticipated lack of quorum. She wondered if that meeting should have been rescheduled immediately. Discussion took place.

2. Mr. Gene Cliver of Telegraph Road asked how an individual goes about being placed on an agenda to speak at a public meeting. Unless there is a matter coming before the Board of Supervisors for an official vote, Supervisor McIlhinney advised that an individual is welcome to address the Board during the Public Comment period.

Mr. Cliver referred to the U.S. Constitution, which states that the only two governing bodies permitted to make laws are the Congress and the Senate. He wondered how the Board of Supervisors achieved the authority to make laws in this Township, and stated that he is considering charging the Board with treason. Mr. Cliver commented that the Zoning Ordinance is not worth paper it is printed on.

3. Mr. Richard Smith of 3 Skunkhollow Road thanked whoever was responsible for having a "No Passing" double white line painted on Callowhill Road near Skunkhollow Road. He cited the numerous accidents and near-miss accidents that have occurred in that area, and is hopeful that this measure will help.

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

M. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously, the September 24, 2007 Hilltown Township Board of Supervisors Meeting was adjourned at 8:34PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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