

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Thursday, December 20, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:33PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Supervisor
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lorraine E. Leslie, Township Treasurer
Robert Pellegrino, Management Consultant
Christopher E. Engelhart, Chief of Police
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Supervisors met in Executive Session on the following dates to discuss personnel, legal, and real estate issues: December 6, 2007, December 13, 2007 and December 20, 2007.

2. An advertised Public Hearing will be held at 8:00PM this evening to consider the possible adoption of a Resolution to provide for acquisition of open space real estate.

3. The Board of Supervisors Reorganization meeting will be held on Monday, January 7, 2008 at 7:00PM.

4. The Board of Supervisors intends to consider changing the times of their meetings from 7:30PM to 7:00PM for the calendar year 2008 at their Reorganization meeting scheduled for January 7th.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

- Minutes of the October 22, 2007 Supervisor's Meeting
- Minutes of the November 12, 2007 Supervisor's Meeting
- Minutes of the December 10, 2007 Supervisor's Meeting
- Bills List dated December 21, 2007
- Zoning Report for month of November 2007
- Solicitor's Report

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to approve the above listed items on the Consent Agenda as noted. There was no public comment.

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

1. Request for Consideration of Reduction of Fee in-lieu-of Stormwater Management – Mr. Mark Funk – Mr. Funk has proposed the construction of a 6,300 sq. ft. utility building on his 47.2-acre parcel located along the south side of Broad Street in the RR District. The proposed building will be partially located within an area of existing stone, and will be 900 feet from the nearest downstream property boundary. Per Mr. Wynn's correspondence dated December 3, 2007, the Township may grant an exemption of Stormwater Management Ordinance requirements provided that the applicant deposits a fee in an amount established by separate Resolution. According to the fee schedule, the Stormwater Management Capital Fund fee is \$2,900.00, which is \$750.00 for the first 2,000 sq. ft., plus \$.50 per square foot for additional impervious surface area over 2,000 sq. ft. Mr. Funk is asking the Board to consider a reduction in the amount of the fee in-lieu-of stormwater management.

Mr. Wynn noted that the Board has entertained similar requests for reduction in the past in specific circumstances, usually to the minimum fee in-lieu-of amount of \$750.00. He advised that qualification for an exemption depends upon the amount of impervious surface, the acreage of the site, and how far the impervious surface is from the property boundary. Discussion took place. Mr. Wynn explained that the maximum impervious surface on a lot is zoning criteria, while the Stormwater Management Ordinance requirements are regulated prior to that criteria coming into play.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve the reduction of the fee in-lieu-of stormwater management to \$750.00 for the construction of a proposed 6,300 sq. ft. utility building for Mr. Mark Funk as noted above. There was no public comment.

2. Mr. Wynn advised that the new traffic signal at Hilltown Pike and Township Line Road has been on flash-mode since Tuesday, and will remain as such until approximately 1:00PM on Thursday, December 27, 2007 at which time the traffic signal will become fully operational.

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

1. Proposed Conservation Management District – Mr. Wynn's correspondence dated July 9, 2007, which seeks direction from the Board as to policy

with respect to options for the proposed Conservation Management District, was discussed.

Mr. Wynn believes that the Township should consider a flexible lot, since it provides more options for the property owner to work with, while protecting natural resources, and not increasing the density beyond the established density. Further, he does not feel that the determination of a number of lots in the conservation design should be based upon a by-right plan, which is almost always the subject of controversy and is often disputed. Rather, Mr. Wynn believes that whether a site is developed under a conventional design or under a conservation management design, the density should be based on the number of dwelling units determined from base site area, and natural resources of the site, not some arbitrary density or number. If this were to become a provision of the Ordinance, Mr. Wynn advised it would allow more flexibility for the owner of the property not to lose lots due to the preservation of the natural resources. Supervisor Salvadore asked if the flexible lot model requires that an existing resources site analysis plan be done. Mr. Wynn replied that it does, noting that it is very important in conservation management design for an ERSAP (Existing Resources and Site Analysis Plan) to be prepared so that it would first identify where the resources are located and what resources are going to be protected, with the site design worked around that. Supervisor McIlhinney commented that the Board did utilize portions of Mr. Wynn's recommendations (Items #4 and #5 in the July 9th letter) when reviewing the Guttman and the Orleans/Bennett tracts, which in his opinion seemed to be a very advantageous use of the land by preserving the natural resources. It is Supervisor McIlhinney's opinion that a combination of Items #4 and #5 of the July 9, 2007 correspondence should be used to approach this type of development.

Supervisor Salvadore asked how the criteria is established when doing an ERSAP to address "significant architectural buildings, farmsteads, and scenic views" as noted in Item #1. Mr. Wynn consults for another municipality that is adopting an ERSAP requirement, where this very issue was discussed. Normally, it is thought that a site analysis would encompass only natural resources, however sometimes there are architectural resources involved as well. In that particular Township, they have identified certain buildings, barns, etc. that are considered "important," but not necessarily listed on any historic register. Without something like that, Mr. Wynn is not certain how "significant architectural buildings, farmsteads and scenic views" could be determined. Supervisor McIlhinney argued that it would be difficult to differentiate between "old" and "historical." Discussion occurred.

Chairman Manfredi agreed with the recommendations in Item #1 that the Existing Resources and Site Analysis Plan is a critical piece, and also agreed in essence that Item #2 must be a provision of it. In the previous meeting minutes, Chairman Manfredi had disagreed with Mr. Wynn's comments in Item #3 that refers to "Conservation Management Design" being the politically correct way of referring to a cluster

development. He explained that this is what has become known as a Conservation Management Design, however Chairman Manfredi does not personally believe that is what Conservation Management Design is. Rather, he feels that Conservation Management Design should be focused on preserving the natural resources, steep slopes, etc. Mr. Wynn stated that there was a time when Cluster design was the preservation of natural resources, and it then morphed into recreation facilities and usable open space. At one time, even in Hilltown Township, the open space consisted of all the natural resources, while the recreation use was just a sidebar to that. However, over the years, Mr. Wynn advised that Cluster has become what is now usable land.

Chairman Manfredi stated that he would like to see the Conservation Management District be just that, protection and maintenance of natural resources, steep slopes, etc. He feels that the use of Item #4 with flexible lots is the primary focus to achieve that, while being blended with Item #5. Chairman Manfredi agreed that the by-right option to determine the number of lots does not work. Discussion took place.

Mr. Wynn referred to Item #5 of his July 9, 2007 correspondence, second paragraph, third sentence, which should state "The same **maximum** density should apply to a site whether it is a conservation management design with smaller lots and open space, or flexible lot design with varying lot sizes and deed restricted parcels."

Supervisor McIlhinney disagreed with the first sentence of the July 9, 2007 correspondence, which states that the Township will be replacing the Rural Residential Zoning District with the Conservation Management District. Chairman Manfredi referred to the Zoning map, which shows that the Conservation District that includes the Rural Residential District. To him, they have always been one and the same. Mr. Wynn was under the impression that the Board wanted to change the name from Rural Residential to Conservation Management District. Supervisor McIlhinney believes that the Conservation Management option was to be a new potential use within the RR District, with which he agrees, however he is opposed to changing the name of the Rural Residential District to Conservation Management District. Chairman Manfredi is most concerned with the substance of the language within the Zoning Ordinance to allow Conservation Design as a preferred alternative, rather than what it is called. In his opinion, the Rural Residential District has always been considered the Conservation District, and it is not as important to Chairman Manfredi what it is called as much as the language and the provisions indicated within the Zoning Ordinance. Supervisor McIlhinney agreed with that statement. Supervisor Salvadore asked Mr. Wynn if the words "Conservation Management Design Option" within the RR District would get the same results, to which Mr. Wynn replied that it would.

Mr. Wynn was directed to begin preparation of the draft amendment taking the comments made this evening into account.

***8:05PM – Chairman Manfredi recessed the regularly scheduled meeting of December 20, 2007 in order to enter into an advertised Public Hearing to consider the enactment of a Resolution to provide for the acquisition of open space real estate.**

Solicitor Grabowski advised that this Public Hearing was appropriately advertised in the Doylestown Daily Intelligencer to comply with the Pennsylvania Open Space Act. The Board considered the enactment of a Resolution to acquire 23 acres of land owned by Mr. and Mrs. Beyer, which is located on Minsi Trail adjacent to the Forest Road Park. Supervisor McIlhinney explained that work on Phase I of the Forest Road Park began this past year, and it is anticipated that Phase II will commence in 2008. He noted that the acquisition of the Beyer Tract, including an existing dwelling and barn as well as several other outbuildings, would be perfect for use in the Township's Park and Recreation and Open Space programs. The Board of Supervisors publicly thanked Mr. and Mrs. Beyer for participating in this open space acquisition.

The Agreement of Sale provides for the purchase of the entire farm in the sum of \$1,050,000.00, with settlement tentatively scheduled for January 8th. One of the stipulations of the Agreement permits Mr. and Mrs. Beyer to lease a portion of the property in the amount of 3.5 acres for no more than 30 months until they purchase a new home.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize approval and execution of the Agreement of Sale of the Beyer property, to authorize the expenditure of funds for said purchase, to authorize the Township Treasurer to attend closing, and to authorize the execution of the proposed 30-month lease of the property to Mr. and Mrs. Beyer; and to **adopt Resolution #2007-31, the friendly condemnation Resolution, which permits the Township to be exempted from Realty Transfer Taxes, for purchase of the Beyer property as noted above.** There was no public comment.

Solicitor Grabowski advised that the Hilltown Authority sampled water from the on-site private well on the Beyer property, which has been determined to be potable. Further the existing septic system has shown no visible signs of seepage surfacing.

***8:13PM – The advertised Public Hearing was adjourned, and the regularly scheduled meeting of the Hilltown Township Board of Supervisors of December 20, 2007 was then reconvened at 8:14PM.**

E. PLANNING – Proposed Conservation District (Continued) –

Public Comment:

1. Mrs. Marilyn Teed of Mill Road reiterated Supervisor McIlhinney's comments with respect to establishing a Conservation Management District. She is strongly opposed to changing the name of the Rural Residential District to Conservation Management District. Mrs. Teed believes it would be dangerous since it would infringe upon or eliminate landowner's property rights.

2. Mr. Joe Miketta of 1211 Hilltown Pike agreed, stating that he would prefer that the Rural Residential District not be renamed. He referred to the Cutler development across the street from his property, which is located in the Rural Residential Zoning District. In Mr. Miketta's opinion this development was not designed as a Conservation Design. He noted that his property is now surrounded by urbanization, and as such, no longer reflects any type of "conservation management."

There was no further public comment.

Chairman Manfredi stated that all three members of the Board of Supervisors agree that the Conservation Design is a viable option and preferred design alternative in what is now the Township's Conservation District/Rural Residential District. This would entail not necessarily the changing of a District, but rather the changing of the Zoning regulations that would result in the protection of natural resources. Supervisors McIlhinney and Salvadore agreed.

F. OLD BUSINESS:

1. Mazurek Subdivision Waiver Request – Tabled at November 29, 2007 meeting – Mr. Tim Browning, the applicant's realtor, was present to discuss the request for waiver of fee in-lieu of certain improvements. The applicant's engineer has prepared cost estimates for street improvements and stormwater management, as directed by the Board at a previous meeting. Correspondence from Mr. Browning dated December 5, 2007, as well as the cost estimates as prepared by Urwiler and Walter were discussed in great detail.

The applicant requested the following waivers:

- From Section 140-60 of the SALDO, to provide a fee in-lieu-of recreation land for each new lot.

- From Stormwater Management Ordinance Section 305.C, which requires existing manmade impervious surface be considered as meadow when developing predevelopment flow calculations. The waiver is requested for the existing improvements on Lot #1, which will not be altered as a result of the subdivision. A fee in-lieu-of in the amount of \$750.00 is required.

It was noted that the applicant's cost estimate for stormwater improvements for Lot #2 is \$17,221.25.

- From SALDO Sections 140-28.P, 140-29.D, 140-35, 140-36, and 140-48, which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, sidewalks, and streetlights along existing roadways within the frontage of the site.

The applicant's cost estimate for street improvements has been estimated at \$20,665.50, which Mr. Wynn believes is incorrect. He explained that this estimate does not take into account all of the required improvements, including cartway leveling and overlay along the frontage of the site. Based upon the applicant's estimate, and the addition of overlay and leveling, Mr. Wynn noted that the true cost of road improvements would be \$26,415.50. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant waivers as noted above for the Mazurek Subdivision, subject to receipt of a capital contribution in-lieu-of installation of street improvements in the amount of \$13,766.00 payable at the time of transfer (sale) of Lot #2; a capital contribution for waiver of stormwater management facilities on Lot #1 in the amount of \$750.00 payable prior to plan recordation; submission of a fee in-lieu-of dedication of recreation land required pursuant to Section 140-63 of the SALDO in the amount of \$1,962.00 for Lot #2; and the establishment of an escrow in the amount of \$17,221.25 to guarantee installation of the required improvements for stormwater on Lot #2 at the time of transfer (sale) of Lot #2, for the Mazurek Subdivision. There was no public comment.

G. NEW BUSINESS:

1. Presentation of 2008 Budget for Adoption – Mr. Bob Pellegrino, Management Consultant, presented a Power Point demonstration of the proposed 2008 Budget for the Board's consideration; a full written copy of which is available for review at the Township office.

Public Comment:

1. Ms. Sandy Williamson of Mill Road asked the locations of the additional proposed streetlights the Board is considering having installed at six intersections throughout the Township. Chairman Manfredi advised that the Board has discussed several different intersections, however no specific sites have been chosen at this time. Ms. Williamson fears that the installation of additional streetlights at intersections will simply create more light pollution.

There was no further public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to adopt the proposed Fiscal Year 2008 Budget as presented this evening, and as previously advertised, noting that there will be no real estate tax millage increase for Fiscal Year 2008; and to **adopt Resolution #2007-32, setting the tax levy for FY 2008 upon all real property within Hilltown Township at 3.5 mills for general municipal purposes, .75 mills for fire protection purposes, .80 mills for parks/recreation purposes, 1.25 mills for debt payments, and .80 mills for road equipment acquisition.** There was no further public comment.

Chairman Manfredi emphasized that 2008 is another year of no real estate tax increase in Hilltown Township. He explained that the Operating Reserve Fund was created last year, and requirements as to what those funds can be used for are very specific according to the Second Class Township Code. He further commented that the Board of Supervisors has been working very diligently on effectively addressing the issue of rescue squads and ambulances in Hilltown Township, for which sufficient funding is available if necessary.

With respect to the position of full-time Park and Recreation Director, as included in the 2008 Budget, Chairman Manfredi advised that the chosen individual will not only fulfill that position, but will also be very active as the Open Space Coordinator. When this position's job description has been finalized, it will include a key component for coordination of Open Space. The Board of Supervisors hopes to acquire as much open space as possible and is prudent.

During the Budget presentation, Mr. Pellegrino had made reference to "the Northwest Property." Chairman Manfredi explained that the Board of Supervisors is currently in negotiations with that property owner, as well as another for the possible acquisition of two more open space parcels within the next few months.

The Board of Supervisors thanked Mr. Pellegrino for preparing the Budget, and meeting all of the goals and objectives as set by the Board of Supervisors at a previous Budget Worksession meeting.

2. Consider adoption of a Resolution to increase the Street Light Assessment – Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to **adopt Resolution #2007-33 to increase the Street Light Assessment**. There was no public comment.

H. SUPERVISOR'S COMMENTS: None.

I. PUBLIC COMMENT:

1. Mr. Steve Bandura of Hillcrest Road advised that his daughter recently hit a deer on Rt. 113, near Calvary Church. Though she was not injured, her vehicle was totaled. Mr. Bandura urged the Township to install "Deer Crossing" signs throughout the municipality. He also believes that the Board of Supervisors has not done a sufficient job of controlling the deer population throughout the Township, noting that more and more residential developments are being approved, which just drives the deer from their natural habitats onto local roadways. Discussion occurred. Supervisor McIlhinney noted that deer and other wildlife cross local roadways at every location on every road in the Township. Chairman Manfredi hopes to be meeting with PennDot representatives in January to follow-up on previous issues. He encouraged Mr. Bandura to provide specific locations where he feels "Deer Crossing" signs should be erected, which Chairman Manfredi would be happy to pass along to PennDot at that meeting. Discussion took place.

On another subject, Mr. Bandura referred to a recent newspaper article that cited Supervisor Salvadore's lack of attendance at a multi-municipal committee meeting held in Perkasio to discuss EMS matters. Mr. Bandura volunteered to replace Supervisor Salvadore on that committee because he feels EMS service and response is a critical issue. Supervisor Salvadore explained that the Board of Supervisors, as previously noted by Chairman Manfredi, is actively involved in the process of defining EMS service in Hilltown Township at this time. She agreed that it is a very critical issue, and noted that the multi-municipal committee on EMS services also met this evening, but unfortunately she cannot be in two places at once. Chairman Manfredi advised that Supervisor Salvadore met with someone this morning to further define a plan she has been actively working on. He noted that the Board of Supervisors is very near to presenting a very sound plan for EMS services in Hilltown Township.

2. Mrs. Marilyn Teed of Mill Road presented each individual Board member with a copy of her application for vacancies on the Planning Commission, Zoning Hearing Board, and Park and Recreation Board, which she is currently a member of.

Mrs. Teed was pleased to see the way the budget was prepared this year showing separate accounts.

Last weekend during an ice storm, the power in many areas of Hilltown was out for quite some time. Mrs. Teed dialed 911 to notify authorities of the power outage. Later, she noticed a tree down across an intersection, and reported it to Public Works employees she happened to pass on the road, who told her to dial 911. Mrs. Teed suggested that the Board designate a specific Township phone number to report such non-emergency, non-life threatening matters to the Public Works Department.

Chairman Manfredi believes that the recording on the Township's phone system provides a number for non-emergency phone calls, however he noted that phone calls regarding power outages should be directed to PP&L. Supervisor Salvadore advised that the Township's Emergency Management Coordinator, Ray Fegley, who had personally been in contact with the Police Department and the Public Works Department for the duration of the storm, kept her apprised of the events of the ice storm. While there were 1000 homes in the area without power, there was no need to open any emergency shelters. Supervisor Salvadore further advised that the Public Works Department remained on duty throughout the entire night, doing their part to clean up storm damage on both Township roads and State highways.

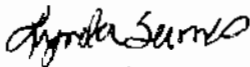
3. Mr. Mark Funk of Broad Street thanked the Board of Supervisors for dedicating their time and effort for 2007.

4. Mr. Joe Marino of Redwing Road was pleased with the change that appears to be occurring with the Board of Supervisors, who seem to be getting along and working well together.

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

K. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously, the December 20, 2007 Hilltown Township Board of Supervisors meeting was adjourned at 9:26PM.

Respectfully submitted,



Lynda Seimes

Administrative Assistant to the Township Manager

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