

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, February 26, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:30PM and opened with the Pledge of Allegiance.

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

A. ANNOUNCEMENTS:

1. The Board met in Executive Session prior to this meeting to discuss a specific real estate matter involving a conservation easement acquisition, and to discuss general legal matters with the Township Solicitor.

2. Five Public Hearings are scheduled for 8:00PM this evening:

- Amending Code of Ordinances, Part II, (General Legislation) Chapter 153 by deleting the existing Chapter 153 in its entirety and replacing with new Chapter 153 entitled "Vehicles and Traffic."
- Amending Code of Ordinances, Part II (General Legislation) Chapter 137 by adding a new Article II – Snow and Ice Removal from sidewalks from certain identified streets and prescribing penalties for violation thereof.
- Amending Chapter 160, Zoning Ordinance to revise Section 160-23 (16) - 116 Bed and Breakfast.
- Amending Chapter 160, Section 160-33 - Buffer Yards.
- Amending SALDO, Chapter 140, Section 140-42 – Sanitary Sewage Disposal.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

- C. CONSENT AGENDA – APPROVALS – Action on the following:
- Minutes of the January 29, 2007 Planning Commission Vacancy Interviews Special Meeting.
 - Minutes of the January 29, 2007 Supervisor's Meeting.
 - Minutes of the February 12, 2007 Supervisor's Meeting.
 - Bills List dated February 27, 2007.
 - Notification of staff meeting – Coluccio Family Partnership – Rt. 313 and U. Stump Rd. property – Bank and Daycare Center.
 - Solicitor's Report.

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

D. CONFIRMED APPOINTMENTS: None.

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

1. Deep Run Sports Association Road Frontage Easement Resolution and Deep Run Sports Association/Nogami/Crawford Road Frontage Easement Resolution – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to consider the Deep Run Sports Association Road Frontage Easement Resolution and the Deep Run Sports Association/Nogami/Crawford Road Frontage Easement Resolution.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2007-14, Road Frontage Easement Agreement for the Deep Run Valley Sports Association** and to **adopt Resolution #2007-15, Road Frontage Easement Agreement Resolution for the Deep Run Sports Association/Nogami/Crawford Lot Line Adjustment**. There was no public comment.

2. Baker Subdivision Termination Agreements – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to approve, accept, and authorize execution of the Baker Subdivision Termination Agreements. There was no public comment.

3. A request for Conditional Use has been received from T-Mobile Communications seeking authorization to co-locate an antennae on an existing cellular tower located on Minsi Trail. Currently two cell phone companies co-locate on the existing tower. The Board unanimously agreed to authorize the advertisement of the T-Mobile Conditional Use Hearing as noted above to be held on Monday, March 26, 2007 at 8:00PM.

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

1. Hardy Subdivision (Minor) – Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to consider the Hardy Minor Subdivision. Prior to a vote, discussion took place.

The Hardy Subdivision located at the southwest corner of the intersection of Rickert Road and Diamond Street was unanimously recommended for preliminary/final plan approval by the Planning Commission, subject to completion of all outstanding items as contained within the January 25, 2007 engineering review. Waivers of Subdivision Ordinance requirements as requested by the applicant and contained within Item #1 of the engineering review were also unanimously approved by the Planning Commission subject to certification regarding the non-existence of wetlands within the construction area by a qualified soil scientist (Item #1.C), and a contribution to the Stormwater Management Fund in the amount of \$1,500.00 (Item #1.D). Discussion took place as to the odd lot configuration, as noted by Supervisor McIlhinney.

Public Comment:

1. Mr. Joe Marino, member of the Planning Commission, recalls Mr. Hardy, who is in a wheelchair due to injuries sustained in an automobile accident, is being given the land by his uncle so that he may construct a handicapped accessible dwelling for himself. The elder Mr. Hardy was not readily inclined, in addition to donating a valuable piece of property to his nephew, to permanently restrict development of the remaining land, though nothing is proposed for that additional acreage at this time.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Hardy Subdivision, pending completion of all outstanding items as contained within the January 25, 2007 engineering review, with the condition that a capital contribution to the Township in exchange for the waived improvements is required. There was no public comment.

Solicitor Grabowski advised that language should be added to the motion to state that "Improvements will be required unless an agreed upon capital contribution is submitted." The Board of Supervisors agreed.

Motion was restated by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Hardy Subdivision, pending completion of all outstanding items as contained within the January 25, 2007 engineering review and with the caveat that improvements will be required

unless an agreed upon capital contribution is submitted by the applicant to the Township. There was no public comment.

2. Hilltown Pike Subdivision (Preliminary) – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to consider approval or rejection of the Hilltown Pike Subdivision Plan. Prior to a vote, discussion took place.

Mr. Neil Stein, the applicant's legal counsel, and Mr. Mike Engel, the applicant's engineer, were in attendance to present the plan. The six-lot subdivision located with frontage on both Hilltown Pike and Elizabeth Way within the Reserve at Hilltown Subdivision was previously discussed by the Planning Commission. This plan proposes five new lots on an extended cul-de-sac street (Elizabeth Way), with a sixth lot being the existing dwelling with frontage on Hilltown Pike. This subdivision was initially reviewed by the Planning Commission as a sketch plan at their meeting held on May 9, 2005. Only two members of the Planning Commission were present who had been involved in the initial review of the proposal. The four new Planning Commission members, who did not have the background or knowledge of the planning discussions that took place over the past 21 months, did not participate in the formation of a recommendation on the plan. Accordingly, the plan is forwarded to the Supervisors with the acknowledgement by the two Planning Commission members, Denise Hermany and Joe Marino, that the plan should be granted preliminary approval subject to completion of the outstanding items contained within the December 27, 2006 engineering review, and approval of all waivers requested by the applicant as contained within Item #2 of the engineering review (Item #2.F has been withdrawn by the applicant and the plan will be revised to comply) and additional waiver request correspondence dated January 26, 2007 prepared by Taylor, Wiseman and Taylor. With respect to the Taylor, Wiseman and Taylor correspondence, their Item #7 waiver request is recommended by the two PC members subject to a fee in-lieu-of stormwater management for the existing dwelling located on Hilltown Pike.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant conditional preliminary plan approval to the Hilltown Pike Subdivision, subject to completion of the outstanding items as contained within the December 27, 2006 engineering review, and with approval of all waivers as requested by the applicant (contained within Item #2 of the engineering review); and with the additional waiver request as found within correspondence dated January 26, 2007 from Taylor, Wiseman, and Taylor, subject to payment of the fee in-lieu-of stormwater management for the existing dwelling located on Hilltown Pike. There was no public comment.

***8:08PM – Chairman Manfredi recessed the regularly scheduled meeting of the Hilltown Township Board of Supervisors to enter into the five advertised Public Hearings.**

- 1) Consider the adoption of an Ordinance amending the Code of Ordinances of Hilltown, Part II (General Legislation) Chapter 153 by deleting the existing Chapter 153 in its entirety and replacing it with a new Chapter 153 entitled “Vehicles and Traffic.”

Solicitor Grabowski explained that all five proposed Ordinances were appropriately advertised for Public Hearing in the Doylestown Intelligencer, and announced that the proposed Ordinances were on file at the Doylestown Intelligencer, at the Bucks County Law Library, and here at the municipal building.

Public Comment: None.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Ordinance #2007-2, amending the Code of Ordinances of Hilltown, Part II (General Legislation) Chapter 153 by deleting the existing Chapter 153 in its entirety and replacing it with a new Chapter 153 entitled “Vehicles and Traffic,” and providing penalties for violation thereof.** There was no public comment.

- 2) Consider the adoption of an Ordinance amending the Code of Ordinances of Hilltown Township, Part II (General Legislation) Chapter 137 by adding a new Article II, providing for the responsibility for snow/ice removal from sidewalks along certain streets and prescribing penalties for violation thereof.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to **adopt Ordinance #2007-3, amending the Code of Ordinances of Hilltown Township, Part II (General Legislation) Chapter 137 by adding a new Article II, providing for the responsibility for snow/ice removal from sidewalks on certain streets and prescribing penalties for violation thereof.** Prior to a vote, discussion took place.

Solicitor Grabowski explained that the affected streets include the following – Applewood Drive, Peachtree Drive, Cranberry Circle, Sterling Drive, Gentry Drive, Deerfield Circle, and Deerfield Place.

Supervisor McIlhinney commented that most parents will drive their children to school on icy or snowy mornings. He also wondered how the fine of up to \$600.00 is determined. It is Chairman Manfredi’s understanding that the District Justice would set

the fine based upon testimony provided at the time. Supervisor McIlhinney felt the fine was very excessive, and noted that consideration should be given to how many students might be walking to school in the first place. Chairman Manfredi was the Supervisor who introduced this proposed Ordinance, which was first brought to the Board of Supervisors attention several years ago by the Mayor of Silverdale. He personally has witnessed children actually walking in the road because sidewalks have not been shoveled. This Board had directed Mr. Bennington and Solicitor Grabowski to identify the affected streets, and Chairman Manfredi was the individual who asked for the provision to permit the Supervisors to add or delete any streets via Resolution rather than by Ordinance. Further, he does not believe that adopting this proposed Ordinance would preclude the Board, if this Ordinance is found to produce undue hardship or is found to be unnecessary in the future, from repealing it. If an issue were to arise with respect to the fine, Supervisor Salvadore asked if there was a mechanism in place to issue a warning without a fine. Chief Engelhart replied that the responding officer would determine what type of citation might or might not be issued. If there is a hardship for a property owner to clear their sidewalk within the prescribed amount of time, such as a disabled or elderly resident, Supervisor Salvadore wondered if special consideration would be given before levying a fine. Lengthy discussion took place. If this Ordinance is adopted this evening, the Board directed Mr. Bennington to forward correspondence and a copy of the adopted Ordinance to the property owners living along these streets so that they are aware of this new requirement.

Public Comment:

1. Mr. Gene Cliver of Telegraph Road felt the proposed maximum \$600.00 fine was excessive.
2. Mr. Wally Rosenthal of Rosie Lane suggested that perhaps the residents of those affected streets could pay a small annual fee for a contractor to clear those sidewalks on a yearly basis. Supervisor Salvadore agreed that was a possibility, however she noted that it is not something that the Board can mandate.

Motion carried unanimously and **Ordinance #2007-3, amending the Code of Ordinances of Hilltown, Part II (General Legislation) Chapter 137 by adding a new Article II, providing for the responsibility for snow/ice removal from sidewalks on certain streets and prescribing penalties for violation thereof, was adopted.** There was no further public comment.

- 3) Consider the adoption of an Ordinance amending Chapter 160, Zoning Ordinance, to revise Section 160-23 (16) I16 Bed and Breakfast Ordinance.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to **adopt Ordinance #2007-4, amending Chapter 160 of the Zoning Ordinance to revise Section 160-23 (16) I16 – Bed and Breakfast Ordinance.** Prior to a vote, discussion took place.

Per requirements of the MPC and the Zoning Ordinance, a mandatory review by the Hilltown Township and Bucks County Planning Commissions occurred, with their comments incorporated into the proposed Ordinance by Mr. Wynn.

Supervisor McIlhinney referred to Section I-h, which states “There shall be no separate kitchen or cooking facilities in any guest room. Prepared food served on the premises shall be limited to breakfast only and shall be served only to guests of the establishment.” He would agree with those stipulations for a facility located in the RR Zoning District, however, Supervisor McIlhinney stated that if the facility is located in the VC District, or in a Commercial District, it is very possible that there would be a restaurant. Mr. Wynn stated that a Bed and Breakfast is not permitted in a Commercial Zoning District, however in the VC District, multiple uses are permitted, so there could be a Bed and Breakfast and a Restaurant in the same facility.

Public Comment: None.

Motion carried unanimously and **Ordinance #2007-4, amending Chapter 160 of the Zoning Ordinance to revise Section 160-23 (16) I16 – Bed and Breakfast Ordinance was adopted.** There was no public comment.

- 4) Consider the adoption of an Ordinance amending Chapter 160 of the Zoning Ordinance, Section 160-33, Buffer Yards.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to **adopt Ordinance #2007-5, amending Section 160-33, Buffer Yards.** Prior to a vote, discussion took place.

Solicitor Grabowski noted that comments from the Hilltown Township and Bucks County Planning Commissions have been incorporated in the proposed Ordinance.

Supervisor McIlhinney questioned Item A (2), which states, “No stormwater detention/retention basins, structures, buildings, uses, storage of materials, or parking shall be permitted in the buffer yards...” Mr. Wynn explained that a stormwater detention basin would interfere with the ability of installing plantings to buffer the use from the adjoining properties. Discussion took place.

Public Comment: None.

Motion carried unanimously, and **Ordinance #2007-5, amending Section 160-33, Buffer Yards, was adopted.** There was no public comment.

- 5) Consider the adoption of an Ordinance amending provisions of the Subdivision and Land Development Ordinance, Chapter 140, Section 140-42 with respect to Sanitary Sewage Disposal.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to consider **adoption of Ordinance #2007-6, amending provisions of the Subdivision and Land Development Ordinance, Chapter 140, Section 140-42 with respect to Sanitary Sewage Disposal.** Prior to a vote, discussion took place.

Supervisor McIlhinney introduced this proposed Ordinance several months ago with the intent of insuring that developers could not take advantage of building to the maximum on a property by installing a package treatment plant. However, he does not believe all of his concerns and suggestions are met by this proposed Ordinance, and suggested that it be tabled for future consideration. Supervisor Salvadore agreed.

Public Comment:

1. Mr. Gary Brown, professional engineer representing Mr. and Mrs. Lawrence Owen, stated that if the proposed Ordinance is not balanced by a companion Ordinance for water supply, it may not be effective.
2. Mr. Joe Miketta of Hilltown Pike expressed concern with the proposed Ordinance and its potential adverse effects on existing farmland properties (he cited the nearby Hockman Farm) that might be surrounded by developments with public water and sewer facilities readily available to the site, but which the property owner may not be able to take advantage of. While Supervisor McIlhinney doesn't necessarily agree that existing farmland properties can't be developed, he stated that other types of sewage disposal are available, including spray irrigation, standard septic systems, etc. Further, Supervisor McIlhinney advised that the purpose of this Ordinance was to insure that the property owner, if the property complies with the requirements of DEP and the Bucks County Health Department, would be able to develop the site on an on-lot basis. He stated that this proposed Ordinance was an effort to retain the rural atmosphere of Hilltown Township. While Mr. Miketta understands that logic, he noted that his property is surrounded by large subdivisions, one with 110 dwellings being constructed on very small 10,000 sq. ft. lots right across the street from his farm. If this Ordinance is adopted, Mr. Miketta was concerned that he might not be able to take advantage of surrounding resources if his property cannot pass perk. Supervisor McIlhinney disagreed, stating that if Mr. Miketta can prove that a certain number of lots could perk

by any system approved by DEP or the BCHD, he could still take advantage of the resources that are basically located at his doorstep due to neighboring developments. It appears to Mr. Miketta that the purpose of this Ordinance is to limit the number of lots in a subdivision. Supervisor McIlhinney explained that the purpose of the Ordinance was to insure that a property could not be overdeveloped beyond what could be handled with an on-site system. The fact that public sewer may be located right next to a property would still require approval from the Board of Supervisors to extend that public sewer to serve that site. Mr. Miketta noted that it appears that the rules and regulations for subdivision are changing rapidly, and he feels, as a longtime landowner, that his rights to develop his property in the future are being limited. Chairman Manfredi believes that one of the other benefits that this Ordinance was proposed to do was to reveal how many lots could be achieved under the present zoning, and to prevent the developer from getting a density bonus if sewers were readily available to the site. He stated that this Ordinance is only one component of the process, and reminded Mr. Miketta that there are many other options available under the provisions of the Ordinance in compliance with the Act 537 Plan. Lengthy discussion took place.

Motion was made Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to withdraw the original motion to consider adoption of Ordinance #2007-6, as noted above. There was no public comment.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to table proposed Ordinance #2007-6, amending provisions of the SALDO, Chapter 140, Section 140-42, with respect to Sanitary Sewage Disposal, as noted above. There was no public comment.

***8:58PM – Chairman Manfredi adjourned the advertised Public Hearings for the five proposed Ordinances, and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of February 26, 2007 at 8:58PM.**

F. PLANNING – Mr. C. Robert Wynn, Township Engineer (Continued) –

3. Jack James Land Development Waiver (1281 Route 113) – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to grant conditional approval to the Jack James Land Development Waiver Request, pending completion of items contained within the February 14, 2007 engineering review, with the exception of Item #10 regarding a Phase 1 Study, which was not completed by the applicant and is not an Ordinance requirement. Prior to a vote, discussion took place.

Mr. Jack James and his engineer, Brad Arndt, were in attendance to present the plan. Mr. Arndt advised that the applicant is proposing two 2-bedroom apartments, a medical or dental office, and a supply storage area for Mr. James's electrical business. Supervisor

McIlhinney wondered why a plan had not been submitted along with this request. Mr. Wynn explained that a submission of a plan is not an Ordinance requirement for a Land Development Waiver Request.

The request to waive land development submission for redevelopment of the parcel located on Rt. 113 within the Village of Blooming Glen was unanimously recommended for approval by the Planning Commission subject to completion of items contained within the February 14, 2007 engineering review, with the exception of Item #10 regarding a Phase 1 Study, which was not completed by the applicant and is not an Ordinance requirement. By separate correspondence dated February 13, 2007, Mr. Wynn reviewed the stormwater management proposed for the redeveloped parcel. In response to Item #1.B of the stormwater management review, the applicant's engineer submitted correspondence dated February 19, 2007 requesting a waiver from requirements of the Stormwater Management Ordinance relative to treating all existing manmade impervious surface as meadow in developing pre-development runoff calculations. Because the site has in excess of 88% existing impervious surface, which is proposed to be reduced and stormwater management has been proposed to control and infiltrate roof runoff, Mr. Wynn supports the waiver request from Section 134-14.3.B.

Supervisor McIlhinney was uncomfortable with waiving a land development submission with so many outstanding items still remaining, and without the Township Engineer reviewing all issues. Mr. Wynn explained that the stormwater management requirements would be applicable whether or not this was a land development waiver, and the verification of adequate capacity for sewage collection/disposal and water supply should be obtained by the Zoning Officer, regardless of whether there is a land development or not. The items pertaining to land development include street improvements, such as restoration of curb and sidewalk along the frontage of the site, and the execution of Development/Financial Security Agreements to guarantee that those occur. It was Mr. Wynn's suggestion that if the Supervisors consider waiving land development, those street improvements still be required. Lengthy discussion took place.

Mr. Arndt acknowledged that there had been concern that Mr. James had not initially obtained building permits, however the applicant has now obtained those permits for the renovation work.

Public Comment: None.

Supervisor McIlhinney amended the original motion to grant approval to the Jack James Land Development Waiver Request, contingent upon compliance with the provisions of Mr. Wynn's February 14, 2007 engineering review, and upon final review by the Township Solicitor. Motion was seconded by Supervisor Salvadore, and carried unanimously. There was no public comment.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve the Jack James Land Development Submission Waiver Request, conditioned upon the February 14, 2007 letter of C. Robert Wynn, and as the motion was just amended. There was no public comment.

With respect to the Board's hopes to redevelop the Village Center Districts of the Township, Supervisor Salvadore asked what specific things should be considered. Mr. Wynn replied that there are several things the Board could consider several things, which are policy matters, such as the use of materials (i.e. - Victorian street lights, curbing materials, sidewalk construction, landscaping, etc.)

Supervisor McIlhinney explained that his main concern with granting approval of land development waiver to this proposal was because renovation initially began on the building without the applicant obtaining the proper permits. Chairman Manfredi commented that the Township administration was aware of the activities going on at the site, so there was in fact a form of oversight of the project.

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

1. First Service Bank – Correspondence dated February 12, 2007 has been received from the applicant requesting a one-month extension to complete requirements of the land development plan and Development/Financial Security Agreement. The only remaining item prior to acceptance of completion and commencement of the 18-month maintenance period is PennDot inspection/approval of road frontage improvements.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to extend the timeframe for completion of requirements of the land development plan and Development/Financial Security Agreement for First Service Bank until March 26, 2007. There was no public comment.

H. OLD BUSINESS:

1. Consider the adoption of a Resolution for Transparent and Open Government – Chairman Manfredi, who proposed this Resolution, explained the various sections, setting forth the following standards for conducting Township business:

- Officially adopting Roberts' Rules of Order Newly Revised (RONR) as its official rules of parliamentary procedure.
- Establish a policy that if an Executive Session is not announced during an open meeting or at the conclusion of a meeting, and is not announced for a future specific time when the Board members are notified as required by

the Sunshine Act, such notice shall include the reason and specific item as authorized under Section 708 of the Sunshine Act.

Supervisor McIlhinney would be agreeable to this section, except that he believes discussion of real estate should be exempt since the Board should not reveal the location or ownership of a specific parcel the Township might be considering for purchase. Supervisor Salvadore agreed. Chairman Manfredi reminded his fellow Board members that he quoted the specific language of the Sunshine Law when preparing this Resolution.

- No individual Board member shall contravene any Board-established practice, policy, or procedure or act on any question, or matter that requires official action by the Supervisors, without the prior approval or consent by a majority vote of the Board of Supervisors at an advertised public meeting.

Chairman Manfredi commented that his intention for this particular section was so that no one member could act independently. Supervisor McIlhinney noted that the comma should be removed after the word "question." He further noted that additional language should be added such as "Nothing herein shall limit the authority granted a duly elected or appointed Supervisor of the Township granted under the statutes of Pennsylvania." Supervisor McIlhinney commented he is not willing to limit his powers under Pennsylvania statutes. Supervisor Salvadore agreed.

- Requires the Township Secretary to provide a copy of the adopted Resolution to any person who is duly sworn into office of Hilltown Township Supervisor as soon as is practical.

Supervisor McIlhinney asked Solicitor Grabowski if there is any language in the proposed Resolution that would limit the ability of an individual Supervisor. Solicitor Grahowski could not comment since he had not been directed to review the document.

Supervisor Salvadore was not comfortable with adopting the proposed Resolution and would like to have it reviewed by her personal attorney as well as by the Township Solicitor. She stated that each Board member took an Oath of Office and an Oath of Fidelity; an oath by which they each agreed to perform the duties of the office of Township Supervisor with fidelity, which addresses every single law in the State of Pennsylvania, the Constitution of Pennsylvania and the United States, the Sunshine Law, the Municipalities Planning Code, and the Second Class Township Code, etc. Supervisor Salvadore quoted the Cambridge Dictionary of American English, the American Heritage Dictionary of the English Language, and Webster's Dictionary for the definition of the word "fidelity" which includes Loyalty; Loyalty to an allegiance, promise or vow; factual accuracy; accuracy in reporting facts or details; Faithfulness to obligations, duties, or

observances; Exact correspondence with fact or with a given quality, condition, or event; Accuracy; Faithfulness; Adherence to right; Careful and exact observance of duty, or discharge of obligations; Adherence to a person or party to which one is bound; Loyalty. Supervisor Salvadore has made the commitment to carry out her duties as Supervisor with fidelity and was uncomfortable with someone indicating what any individual Supervisor can or cannot do via adoption of a Resolution. Supervisor Salvadore strongly believes that she, as a Supervisor who was appointed to represent the public, has the right to talk to constituents about various issues and she plans to continue to do so.

Chairman Manfredi agreed that each Board member has the right to speak with constituents and does not believe that the proposed Resolution would limit that activity. Further, each Board member can meet with the Township Solicitor or staff, however if there is a matter that requires official action and a vote by the Board of Supervisors, Chairman Manfredi does not believe a Board member can act independently, and believes that an action must be taken by majority vote. Supervisor McIlhinney agreed that no one member has the power to give direction to a constituent or an individual that indicates Board approval without the full Board being aware of it and having voted upon it.

Very lengthy discussion took place concerning Roberts Rules of Order and concerning each Board member's interpretation of various sections of the Sunshine Law with respect to discussions and deliberations.

Motion was made by Supervisor McIlhinney to forward the proposed Resolution to the Township Solicitor for further reduction and review. No vote was taken.

Supervisor Salvadore was agreeable to forwarding the proposed Resolution to the Township Solicitor for review, noting that he should insure that the language is in compliance with the Constitution of the State of Pennsylvania and all other pertinent laws and regulations.

Chairman Manfredi was agreeable as well, but noted that if any one Supervisor is directing or taking any action that is not consistent with the Oath of Office he intends to bring it forward at a public meeting.

Public Comment:

1. Mr. Joe Marino of Redwing Road is a proponent of open government and is very, very familiar with the Sunshine Law, as well as the Open Meetings/Open Records Law, the Right-to-Know Law, etc. He quoted a court decision which states that a Township Supervisor is not restricted or limited to information furnished at a public meeting; and that they have a right to study, investigate, discuss and argue issues prior to a public

meeting where a vote takes place. Mr. Marino also noted that Supervisors are not restricted from communicating with citizens, and in fact they can speak with any interested parties, including applicants for zoning changes. Chairman Manfredi commented that he was in no way, shape or form suggesting that any Supervisor does not have that ability.

I. NEW BUSINESS:

1. Authorization to Apply for Permits/Expend FEMA Funds – Storm Damage to Keystone Drive Bridge – As a result of last June's storm, there was considerable damage to the culvert, as well as debris build up around the Keystone Drive bridge. The Township applied for and received FEMA funding, and Mr. Bennington is now seeking Board authorization to apply for permits to begin the work and to expend the FEMA funds.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to authorize the Township Manager to apply for permits and to expend FEMA funds for the storm damage to the Keystone Drive Bridge. Prior to a vote, discussion took place.

Supervisor McIlhinney asked the status of the supplementary funds that the Township has applied for. Mr. Bennington advised that this project is not connected to the supplementary funds that were requested to repair the culvert. This authorization would simply be for the debris clean up in the amount of \$3,000.00, which must be expended prior to May 31, 2007.

Public Comment: None.

Motion carried unanimously. There was no public comment.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore recommended that a year from the implementation of the Snow and Ice Ordinance, the Board review the data to determine the status of the Ordinance requirements.

2. Chairman Manfredi advised that a request was recently received from Congressman Murphy's field coordinator to meet with the Board of Supervisors. If Congressman Murphy would personally like to meet with the Board of Supervisors to have a casual conversation that does not require discussion of any Township business, Chairman Manfredi believes the Board should extend that courtesy. However, if Congressman Murphy wishes for his field coordinator to meet in order to determine various Township concerns, Chairman Manfredi suggested that Mr. Bennington be

directed to meet with him. Discussion took place. It was the consensus of the Board to do as Chairman Manfredi suggested.

3. Correspondence was received from the Open Space Committee seeking authorization to hold a "Landowners Forum" with investment bankers present to discuss and encourage residents to consider sale of development rights or conservation easements. Chairman Manfredi noted that he would not be in favor of calling the meeting a "Landowners Forum." He recalls that the Supervisors had previously requested a joint meeting with the Open Space Committee, which he believes should first take place. Chairman Manfredi also feels that a joint meeting should be held with the Planning Commission as well. He is not in favor of calling the meeting the Open Space Committee has requested a "Landowners Forum."

Supervisor McIlhinney is not in favor of holding a "Landowners Forum" because two of these types of meetings had previously been held with investment bankers and realtors in attendance, which in his opinion was nothing more than an attempt to convince senior citizens and others that they should sell their development rights. Supervisor McIlhinney also took offense that the Open Space Committee apparently intends to have representatives of just one bank in attendance. He does not believe holding such a meeting would be a worthwhile endeavor.

Supervisor Salvadore would prefer to discuss this issue when members of the Open Space Committee were present since they may have a rationale for why they recommended this meeting and those guest speakers. She also suggested that if joint meetings are held with the Open Space Committee and the Planning Commission, a similar joint meeting also be held with the Park and Recreation Board. Chairman Manfredi and Supervisor McIlhinney were agreeable.

Mr. Bennington reminded the Board that a copy of the proposed Resolution establishing and reconfirming the Open Space Committee had been forwarded to them quite some time ago for their review and comment, however the Open Space Committee has remained silent on the issue. Discussion took place. Chairman Manfredi felt that until the Open Space Committee provides their comments on the proposed Resolution to the Board of Supervisors, the "Landowners Forum" should not occur.

For the past 2 ½ - 3 years, Chairman Manfredi has requested that the Open Space Committee identify a listing of properties so that the Supervisors can determine whether or not they wish to acquire as many properties as possible through a large borrowing format. While pleased that the Open Space Committee is moving forward with certain issues, he wondered when they would provide that list of properties for consideration, which Mr. Marino compiled while a member of that Committee.

K. PUBLIC COMMENT:

1. Mr. Joe Marino of Redwing Road asked if the Board of Supervisors plan on holding a special meeting to discuss the proposed AQC Ordinance prior to the next Worksession meeting on March 12, 2007. It was Chairman Manfredi's understanding that the proposed AQC Ordinance would be returned to the Board members from Solicitor Grabowski and Mr. Wynn some time this week, and it would then be placed on the March 12th meeting agenda. Supervisor McIlhinney added that Solicitor Grabowski and Mr. Wynn have been asked to attend the March 12th Worksession meeting.

2. Mr. Mark Funk of Broad Street referred to the February 19th Planning Commission meeting, where representatives of the Orleans Bennett project presented sketch plans for review. The applicant was very specific in stating that he was given direction that the Board of Supervisors would prefer a cluster design. Supervisor Salvadore advised that that statement is absolutely, positively not true.

Supervisor McIlhinney researched the matter and discovered that on March 27, 2006, the Board of Supervisors stated that they preferred Sketch Plan #3, which happened to be a cluster development. Apparently, the applicant has taken that to mean that all other proposals are off the table and that he can do whatever he wants on the site, while requesting a large number of waivers to make that happen. Supervisor McIlhinney explained that the Board, at their March 27, 2006 meeting, reviewed several sketch plans and offered opinions, but did not provide clear direction to specifically proceed with a cluster plan. He stated that the Hilltown Township Zoning Ordinance, which is what the applicant should be following, permits cluster development, however it is apparently not the type of cluster development the applicant prefers. Mr. Wynn noted that representatives of Orleans Bennett will appear before the Board of Supervisors at their March 26th meeting to discuss the same plan that the Planning Commission reviewed. Discussion took place.

3. Mr. Gary Brown, representing Lawrence and Cindy Owen, advised that his client's home has been potentially impacted by MTBE contamination from a nearby service station. Mr. Brown previously appeared before the Board of Supervisors to discuss the issue of water supply for the neighboring McGrath Homes site, and the potential impact the MTBE contamination might have on that site as well. Mr. Brown had presented correspondence to the Township dated February 20, 2007 concerning the issue of the MTBE contamination and citing its potential impact on the proposed McGrath Homes Age Qualified Community; a copy of which is on file at the Township office. The levels of MTBE contamination has increased from 2004 to 2006 in the direction of the proposed McGrath Homes site. More importantly, Mr. Brown noted that the highest MTBE concentration of 19,000 ppb at the service station site is nearly 1,000 times DEP's 20 ppb statewide health standard, and is of great concern because new large

groundwater pumping at the McGrath property could potentially draw MTBE impacted groundwater into the unnamed tributary and into Mr. and Mrs. Owen's well, if pumping causes the plume to expand or shift. Mr. Brown stated that normally, the presence of impacted groundwater near a proposed subdivision would raise a red flag to the developer because it raises a fundamental question as to whether a private large-scale water supply for the proposed community can be safely developed to serve the site. Review of the 2004 water quality data as compared to more recent data does not show that a final cleanup to potable standards can be expected in the near future. Mr. Brown strongly urged that the issue of proof of adequate water supply be addressed by the Township prior to the proposed McGrath development being approved, or before consideration of a proposed Ordinance modification or re-zoning of the site.

Chairman Manfredi commented that Mr. Brown has raised the question of water supply and MTBE contamination, however the question put before the Board of Supervisors is whether a single-family development under the present Zoning Ordinance requirements should be considered for the site, or whether some other form of residential development under a different provision of the Zoning Ordinance should be considered for the site. Regardless of which type of development is proposed for the site, Chairman Manfredi stated that the issue of water supply and other public utilities or improvements would be discussed and reviewed by the Township during the subdivision/land development process. Lengthy discussion took place.

4. Mr. Gene Cliver of Telegraph Road commented that at the last meeting, the Supervisors stated that the Supreme Court granted municipalities their authority to regulate and impose zoning, and asked for a copy of that in writing. Supervisor McIlhinney stated that the general public can have access to the Supreme Court records at any time, and suggested that Mr. Cliver search for that information on-line or at the public library.

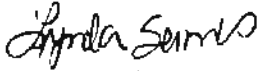
With respect to the recently adopted Snow and Ice Ordinance, Mr. Cliver wondered where the Township's right-of-way ends, and suggested that perhaps the Township should be responsible for sidewalk snow removal, not the residents whose property lies behind the sidewalk.

Mr. Cliver asked what method is available to repeal an Ordinance that is adopted by the Board of Supervisors. Supervisor McIlhinney replied that to have an Ordinance repealed, it would have to be advertised for public hearing and the Supervisors would make a motion to repeal that adopted Ordinance. Mr. Cliver feels that his liberty is being taken away by the Board of Supervisors. Discussion took place.

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

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor McIlhinncy, and carried unanimously, the February 26, 2007 Hilltown Township Board of Supervisors was adjourned at 10:15PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes were transcribed from tape recordings taken by Mr. Ken Bennington, Township Manager, and are not considered official until voted upon at a public meeting).