

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 10, 2006
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John B. McIlhinney at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman
Barbara A. Salvatore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher E. Engelhart, Chief of Police
Thomas A. Buzby, Director of Public Works

Chairman McIlhinney presented a Commendation to Mr. Thomas A. Buzby, Director of Public Works, recognizing his 35 years of employment with Hilltown Township, a copy of which is attached to these minutes.

A. ANNOUNCEMENTS:

1. Chairman McIlhinney announced that the Board of Supervisors will hold a special meeting on Saturday, July 22nd from 9:00AM to 1:00PM, with an additional meeting scheduled for Saturday, July 29th, if necessary, in order to continue discussion of the proposed Zoning Ordinance amendments and for personnel issues.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. APPROVALS: Action on the Minutes of the May 22, 2006 Supervisor's Meeting
– Supervisor Salvatore noted the following corrections:

- Page 9, the following sentence should be added to the beginning of third paragraph, **“Supervisor Salvatore asked if the draft Ordinance previously submitted by the applicant is the one they wished to proceed with. Mr. Hecker replied that the applicant intends to redraft that Ordinance and would be submitting it in the near future.”**

- Page 9, the following sentence should be added to the beginning of the fourth paragraph **“Supervisor Salvatore asked Mr. Wynn and Solicitor Grabowski if there would be a benefit to meeting with the developer.”**

Chairman McIlhinney noted the following correction to page 4, first paragraph, which should state **“8:12PM – PUBLIC HEARING – Chairman McIlhinney recessed the regularly scheduled meeting of May 22, 2006 to enter into three advertised Public Hearings, as follows:”**

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the May 22, 2006 Supervisor's Meeting Minutes, as corrected. There was no public comment.

Action on the Treasurer's Report dated June 30, 2006 – Chairman McIlhinney presented the Treasurer's Report with the following balances as of June 30, 2006:

General Fund Checking	\$ 729,277.61
Payroll Checking	\$ 1,870.16
General Reserve Fund	\$ 264,641.92
Open Space Fund	\$1,960,893.07
Park and Recreation Fund	\$ 206,316.48
Road Equipment Fund	\$ 249,488.12
Fire Fund Checking	\$ 71,856.50
Debt Service Checking	\$ 389,951.33
State Highway Aid Checking	\$ 295,419.20
Escrow Fund Checking	\$2,484,568.04
Sewer Maintenance Fund	\$ 276,943.52
Capital Projects Fund	\$ 45,244.04

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the Treasurer's Report dated June 30, 2006, subject to audit. There was no public comment.

Supervisor Salvadore suggested that copies of the Treasurer's Report be made available to the general public at the meetings, just as copies of minutes and agendas are available. Chairman McIlhinney and Supervisor Manfredi agreed.

Prior to this evening's meeting, the Board had identified some accounts using the name "Miscellaneous." After discussion, the Board has directed Mrs. Leslie to remove the word "miscellaneous" from any line item in the budget so that the explanation of expenses and/or revenues for any particular category is clearer.

D. CONFIRMED APPOINTMENTS:

1. Mr. Matt Stawicki – National Geomatica Demonstration – Mr. Stawicki made a presentation of web-based municipal automation software, which can be used for permit processing, document management, report generation, tax map parcel mapping, scheduling, tracking of citizen complaints and violations, etc. while using a comprehensive search and reporting engine that combines the latest in Geographic Information System (GIS) and database technologies. The Supervisors and chairpersons of the Planning Commission, Open Space Committee, and Park and Recreation Board asked several questions and discussion took place.

The Board directed Mr. Bennington to provide an analysis of National Geomatica versus other similar web-based/non-web-based services in order to provide a recommendation to the Board for the 2007 Budget consideration

E. POLICE REPORT – Chief Christopher Engelhart – Chief Engelhart presented the Police Report for the month of June 2006; a copy of which is on file at the Township office.

F. MANAGER’S REPORT/PUBLIC WORKS REPORT/ZONING REPORT – Mr. Kenneth B. Bennington, Township Manager – Mr. Bennington presented the Manager’s Report, Public Works Report, and Zoning Report for the month of June 2006; copies of which are on file at the Township office.

Chairman McIlhinney asked the status of the Forest Road Park. Mr. Bennington sent correspondence to neighboring property owners indicating that site work may begin at the park in the near future. On Thursday evening, representatives of Spotts, Stevens, and McCoy, and H & K Quarry, along with the Park and Recreation Board will review the plan predicated upon the in-kind services being provided by H & K as a result of the quarry agreement with the Township.

G. WATER AND SEWER AUTHORITY REPORT – No one was present. A copy of the Hilltown Authority Report for the month of June 2006 is on file at the Township office.

H. HILLTOWN FIRE COMPANY REPORT – No one was present. A copy of the Hilltown Fire Company Report for the month of June 2006 is on file at the Township office.

I. SILVERDALE FIRE COMPANY REPORT – No one was present. A copy of the Silverdale Fire Company Report for the month of June 2006 is on file at the Township office.

J. ZONING HEARING BOARD REPORT – No one was present. A copy of the Zoning Hearing Board Report for the month June 2006 is on file at the Township office.

K. PLANNING COMMISSION REPORT – Mr. D. Brooke Rush, Chairperson – Mr. Rush presented the Planning Commission Report for the month of June 2006; a copy of which is on file at the Township office.

The Board directed the Township Secretary to provide copies of the meeting attendance spreadsheets to each Board or Commission member on a monthly basis.

Mr. Rush referred to the request of the developer of the Myers Tract Subdivision (aka: Ashland Meadows) for a variance from the Zoning Hearing Board regarding the impervious surface ratio. At their last Special Meeting, the Supervisors discussed and came to an agreement that the impervious surface ratio requirement must be revised. Lengthy discussion took place.

L. OLD BUSINESS:

1. Consideration of Final Draft of Mandatory Sewer Connection Ordinance and SALDO Proposed Amendment regarding Update of Private Sewage Disposal System Requirements: Discussion took place concerning the possible revision of Chapter 124 (previously identified as Ordinance #91-4).

Supervisor Manfredi expressed concern with Section 124-2-A (c), in which all existing structures wherein the structure is enlarged or is changed in use to require increased water capacity, would be required to connect to the public sanitary sewer line if the property was located within 150 ft. of any public sewer line. He feels this item should be removed, as did Chairman McIlhinney and Supervisor Salvadore. Supervisor Salvadore noted that the language the Board had hoped to remove is "All property owners whose building lines are within 150 ft. of any public sewer line shall be required to make connection to said public sanitary sewer line..."

Discussion on this proposed amendment was tabled after Chairman McIlhinney suggested that the Board first review the proposed amendment to Chapter 140, Section 140-42 of the SALDO. He noted it was the intent that the owner of any proposed subdivision within the RR District that wished to substitute public sewer service for private on-lot systems had to demonstrate that the proposed number of lots within the subdivision could be served by individual on-lot systems or by a community system.

Supervisor Manfredi read the proposed SALDO amendment Article 1, Section 140-42.J, which states: "In the Rural Residential (RR) Zoning District any proposed subdivision or land development must demonstrate the following:

1. That each proposed subdivision or proposed land development has the ability to provide for its own sanitary sewage wastewater disposal within the confines of said proposed subdivision or land development.

All Supervisors unanimously agreed with and approved the above noted section.

2. That each proposed lot is laid out in accordance with the Resource Protection requirements of the Hilltown Township Zoning Ordinance of 1995, as amended.

All Supervisors unanimously agreed with and approved the above noted section.

3. That each proposed lot, as shown through on-lot soil testing results as certified with written documentation by a licensed soils scientist and a registered professional engineer, can be served by an individual on-lot in-ground sewage disposal system that is in compliance with the requirements of the Bucks County Department of Health, the Pennsylvania Department of Environmental Protection, and the Hilltown Township Sewage Facilities Plan.

To be very clear, Supervisor Manfredi believes the first sentence of this section should be revised to include the following language: "That each proposed lot **within the proposed subdivision**, as shown through on-lot soil testing results as certified with written documentation by a licensed soils scientist, and a registered professional engineer, **is able to be served** by an individual on-lot in-ground sewage disposal system that is in compliance with the requirements of the Bucks County Department of Health, the Pennsylvania Department of Environmental Protection and the Hilltown Township Sewage Facilities Plan." The Board was in agreement.

Once it is established that a subdivision qualifies under the requirements of items #1, #2, and #3, Chairman McIlhinney noted that item #4 would come into play. Item #4 states: "That each proposed lot can be served with an On-Site Community Treatment Facility in lieu of an individual on-lot, in-ground sewage disposal system.

In order to make it clear that this Board of Supervisors would make that final determination, Supervisor Manfredi suggested that the word "can" be replaced with the words "**may, at the discretion of the Board of Supervisors at a public meeting, be permitted to be served....**" Chairman McIlhinney believes that has already been accomplished in the second paragraph of item #4, which states: "If the Hilltown Township Board of Supervisors deems such documentation and certification(s) acceptable, the Board of Supervisors, at its sole discretion, may approve connection to a Township approved existing public sanitary sewer collection system." In Supervisor Manfredi's opinion, upon reading item #4, it implies that if the developer accomplishes items #1, #2, and #3, then item #4 must be deemed approved. Therefore, he would like the specific language tied in to #4. Chairman McIlhinney disagreed, and pointed out that the second paragraph of item #5 addresses all those concerns. Discussion took place. Supervisor Salvatore suggested that the second paragraph of item #4 actually become a separate item number and that it be labeled item #5, so it would speak to everything above. Supervisor Manfredi was agreeable, noting that additional language should be added that spells out that in order for item #4 to occur, item #5 is required, and noted that he would like the specific language to be very clear and concise.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to authorize the Township Solicitor to make the above noted corrections to the proposed SALDO amendment regarding the update of private sewage disposal system requirements (Chapter 140, Article 1, Section 140-42.J – Sanitary Sewage Disposal), and that the revised amendment then be forwarded to the Bucks County Planning Commission and to the Hilltown Township Planning Commission for review.

Public Comment:

1. Mr. Brooke Rush, chairperson of the Planning Commission, wished to clarify that the existing Ordinance requires a property owner within 150 ft. of a public sewer line to tie into the public sewer system, and that the discussion this evening is that the requirement would now contain qualifiers and criteria to be met before a property would be required to tie into the public sewer line if located within 150 ft. of the line. Chairman McIlhinney acknowledged that would be correct. Mr. Rush expressed concern that one property owner might wish to tie in, while the next may not, which might result in the streets being excavated several times. He believes that the laterals should be located curbside so that it is extended out of the lane of traffic without affecting the roadway. Mr. Rush put forth a scenario that a dwelling might be first occupied by an elderly couple that might not be producing the flows that would cause an on-site system failure, however the next owner might be a young family with several children, and the system may then fail. As he is sure the Board is aware, Mr. Rush noted that once the Bucks County Board of Health has been notified of a failing system, the resident will be required to either repair the system or connect to public sewer.

Chairman McIlhinney explained that the Board of Supervisors is attempting to insure that existing residents who may not be experiencing failing systems are not burdened with being required to tie into the public sewer line, while at the same time insuring that a developer would be responsible for the infrastructure and associated costs of extending a public sewer line, not the taxpayers of the Township. Supervisor Manfredi advised that a developer would only be entitled to the number of lots that could be obtained with individual on-lot systems. If individual on-lot systems would yield a certain number of lots, then the developer would be entitled to that specific number of lots. Lengthy discussion took place.

There was no further public comment. Motion passed unanimously.

The Board again began discussions of the proposed amendment to Chapter 124, Section 124-2.A (previously identified as Ordinance #91-4), which states: "Article 1, Section 124-2.A is hereby deleted as to its current language and is replaced by the following amended provision:

Section 124-2.A - Any property owners whose primary building lines are within 150 ft. of any public sanitary sewer line shall be required to connect thereto, including, but not limited to, the following:

- (a) All new construction requiring public sanitary sewer service;
- (b) All new building lots requiring public sanitary sewer service;
- (c) All conversions of buildings from a single or dual principal residential use to a principal non-residential use or multi-residential use (more than 2);
- (d) Any existing non-residential or multi-residential (more than 2) structures determined to have failing existing on-site private sanitary sewage facilities by either the Bucks County Department of Health or by the Pennsylvania Department of Environmental Protection.

Section 124-2A.2 – Exceptions: Single and Two Family Residential.

- (a) Any single family or two family residential unit (owner occupied) structure determined to have a failing existing on-site private sanitary sewage facility by either the Bucks County Department of Health and PaDEP shall have the option to remedy the failing on-site system to the satisfaction of the Bucks County Department of Health and PaDEP with a new on-site system or elect to tie into the public sanitary sewage system.
- (b) Should a public sanitary sewer line be installed by a private developer for the purpose of providing public sanitary sewer to that developer's project, there is no requirement that any other property owner along the path of such line tie into the line; nor shall any other property owner desiring to tie into such line be precluded from doing so upon receiving approval by the Hilltown Township Board of Supervisors and the Hilltown Township Water and Sewer Authority.

Section 124-2A.3 – Where connection to any public sanitary sewer line is made, the owner of the property for which the connection is made shall pay applicable connection fees, tapping fees, and usage charges to the Township approved Municipal Authority having ownership or scheduled to receive ownership of the public sanitary sewer line, except as may be modified by the Hilltown Township Board of Supervisors and the Municipal Authority.

Supervisor Manfredi agreed that Section 124-2A.2 (a) and (b) say what was intended, however he disagreed with the language in Section 124-2A.1(a), (b), and (c), which in his opinion is remains incorrect. Chairperson McIlhinney explained that the language remained the same because under those particular circumstances, that is what currently is

required in various Zoning Districts other than RR. Supervisor Manfredi noted that this language still makes it mandatory for connection to public sewer if an individual lot that is not part of a subdivision is located within 150 ft. of a public sewer system, which is a requirement he believed the Board wished to change. Chairman McIlhinney suggested the word "existing" be inserted in Section 124-2A.1 to state: "All property owners whose primary building lines are within 150 ft. of any **existing** public sanitary sewer line shall be required to connect thereto, including but not limited to, the following....." Supervisor Manfredi was not certain that would address the issue. Lengthy discussion took place.

The Board of Supervisors once again tabled this proposed Ordinance amendment (Chapter 124, Section 124) (previously identified as Ordinance #91-4), and asked that it be considered as a future meeting agenda item.

2. Consideration of Sex Offender Ordinance – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of the Sex Offender Ordinance for Public Hearing. There was no public comment.

M. NEW BUSINESS:

1. Discussion of ACRE Regulations – Mr. Bennington explained that ACRE is an acronym for Agricultural Communities and Rural Environments (Act 38), which was formerly House Bill 1646 of 2005. This House Bill created a process for farmers to seek judicial review of local Ordinances felt to be restrictive of normal agricultural operations. Farmers have the right, through this Act to request the Pennsylvania Attorney General's office to review a local Ordinance that the farmer might feel is illegal. Since passage of this Bill, 16 local Ordinance challenges have been submitted to the Attorney General's office. Of these 16, the Attorney General has ordered local municipalities to rescind seven, four were dismissed, and five remain to be acted upon. As an example, a farmer requested the Attorney General to review local Ordinances restricting a farmer to less than 20 head of livestock on their property. The Attorney General ordered the municipality to rescind the Ordinance that was more restrictive than state law. If a Township refuses to rescind their local Ordinance, the municipality can be taken to Commonwealth Court. In addition, the farmer also has the right to go directly to Commonwealth Court, which could set potential statewide legal precedent.

Mr. Bob Wendig, chairman of the Agricultural Security District Committee, could not be in attendance this evening as planned, to discuss ACRE in relation to the Agricultural Security District. The matter was tabled for a future meeting.

2. As a result of recent flooding, the Township is requesting reimbursement of funds through PEMA. The bidding process requires that a Declaration of Disaster Emergency be adopted by the Township, a copy of which will be available for Board signature following this meeting.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the Declaration of Disaster Emergency as noted above for reimbursement of funds. There was no public comment.

N. SUPERVISOR'S COMMENTS:

1. Chairman McIlhinney announced that the Board met in Executive Session prior to this meeting to discuss personnel.

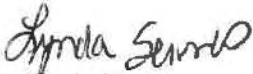
O. PUBLIC COMMENT:

1. Mrs. Alice Kachline of Mill Road asked if this Board would ever consider development of a golf course on the 150 acres of open space on the former Berry Brow Farm site. The Board of Supervisors unanimously stated that they certainly would consider it.

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

Q. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the July 10, 2006 Hilltown Township Board of Supervisors meeting was adjourned at 9:39PM.

Respectfully submitted,


Lynda Seimes
Township Secretary

(*These minutes have been transcribed from tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).



**COMMENDATION
HILLTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

The Hilltown Township Board of Supervisors does hereby recognize Mr. Thomas A. Buzby for his 35 years of employment with the Hilltown Township Public Works Department.

WHEREAS, Mr. Buzby has served as Public Works Director for many years, and has devoted much time and significant effort to dutifully perform his job to the best of his ability, and

WHEREAS, Mr. Buzby has worked diligently over the last 35 years leading the Public Works Department, considered one of the finest in Bucks County, in maintaining the Township's 27 square miles of roadway, 810+ acres of open space properties, as well as the Township's growing park system; and

WHEREAS, Mr. Buzby has always had the best interest of Hilltown Township first and foremost in his heart while exhibiting responsibility, perseverance, and professionalism, even during those blizzard snow storms with poor visibility, operating on little or no sleep, while consuming gallons of coffee; and

WHEREAS, recognition is hereby given to Mr. Buzby for his tireless efforts and his exemplary and meritorious service.

SO BE IT RESOLVED that the Board of Supervisors of Hilltown Township on this 10th day of July, 2006, do hereby commend and express appreciation to you, Tom, for your commitment and dedication as a wonderful employee, co-worker and friend!

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS

John B. McIlhinney, Chairman

Richard J. Manfredi, Vice-Chairman

Barbara A. Salvadore, Member