

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 27, 2005
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:32PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr. – Vice-Chairperson
Richard J. Manfredi – Supervisor
Christopher Engelhart – Chief of Police
Francis X. Grabowski – Township Solicitor
C. Robert Wynn – Township Engineer
Lynda Seimes – Township Secretary

Chairperson Bennington announced that Supervisors Egly and Manfredi met in Executive Session on Monday, June 20, 2005 to discuss personnel, a meeting he was unable to attend due to a work conflict. The Board also met in Executive Session prior to this meeting in order to discuss real estate and legal matters including the Teed and Metzger cases.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the May 23, 2005 Supervisor’s Meeting, and action on the June 13, 2005 Supervisor’s Meeting – Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to approve the minutes of the May 23, 2005 Supervisor’s Meeting, and the minutes of the June 13, 2005 Supervisor’s Worksession Meeting, as written.

Public Comment:

1. Mr. Joe Marino of Redwing Road recalls that there was additional dialogue between Mr. John Wietecha of the Open Space Committee and Supervisor Manfredi after the Open Space Report was presented. He commented that Mr. Wietecha questioned language in the draft amendment to the Zoning Ordinance, noting that “Conservation District” is proposed to replace the existing Rural Residential District. Mr. Marino advised that Mr. Wietecha had expressed serious concerns about the proposed changes that he had not yet reviewed, and the response from Supervisor Manfredi was that there was nothing to worry about because it was just a name change from the RR District to the Conservation District. When Mr. Wietecha again tried to get more specific about possible changes and the possible affect on the RR District, Supervisor Manfredi once again responded that it was merely a name change and that he would understand once he reviewed the draft amendment. Mr. Marino felt that these additional comments

should be included in the June 13, 2005 Supervisor's meeting minutes, especially since they were made by a Township Supervisor.

Motion was made by Supervisor Manfredi to direct the Township Secretary to transcribe, verbatim, that section of the June 13th Worksession meeting tape for review and consideration by the Supervisors at their July 11, 2005 meeting, for a possible amendment to those minutes.

Mr. Marino wished to add that all minutes, record books, etc. must be open to public inspection by a citizen at a reasonable time, and asked if he could be present when Mrs. Seimes transcribed that section of the minutes. The Board was agreeable. Mrs. Seimes stated that she would transcribe that section of the minutes at 9:00AM on Tuesday, June 28, 2005, and that Mr. Marino was welcome to be present. Before the Board makes a motion to amend those June 13, 2005 meeting minutes, Supervisor Manfredi wants the opportunity to review the transcription.

Supervisor Manfredi's original motion was seconded by Supervisor Egly, and carried unanimously. There was no further public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated June 28, 2005, with General Fund payments in the amount of \$114,872.80, Fire Fund payments in the amount of \$45,600.00, Park and Recreation Fund payments in the amount of \$889.58, and Escrow Fund payments in the amount of \$63,682.52; for a grand total of all payments in the amount of \$225,044.90.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to approve the Bills List dated June 28, 2005, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Chris Canavan – Proposal to consolidate White Chimney Farms and Cinnabar Farms Subdivisions – Mr. Canavan of W.B. Homes, along with the applicant's engineer, Mr. Scott Guidos, were in attendance to request the Board's consideration of a plan to consolidate the White Chimney Farms Subdivision and the Cinnabar Farms Subdivision into one community. Mr. Canavan explained that the concept is to take the lot yield from White Chimney Farms and incorporate it with the lot yield from Cinnabar Farms under the Rural Residential Cluster provision. This provision would allow for a lot reduction from 50,000 sq. ft. to 30,000 sq. ft. with 55% open space. The applicant would then be able to preserve 35+/- acres of open space at White Chimney Farms and create one flag lot of three acres for the existing farmhouse and barn. At Cinnabar Farms, the applicant would develop 39 total lots, 38 new dwellings plus one lot for the existing

house and would preserve the 6 acres of open space in East Rockhill Township. As part of this proposal, the Hilltown Authority would need to request an additional 16 EDU's over and above the original 23 EDU's needed for the existing Cinnabar Farms project, for sanitary sewer service from East Rockhill Township. Mr. Canavan advised that White Chimney Farms received preliminary plan approval for 21 lots total – 20 new lots, plus one existing. The Cinnabar Farms proposal received preliminary plan approval for a total of 23 lots – 22 new lots and one existing for a total number of 44 lots between the two projects. This new proposal would reduce the total lot count to 40 between both sites.

Mr. Canavan believes that an advantage to this proposal would be the elimination of significant infrastructure improvements for White Chimney Farms that would have to be built by the applicant and then maintained by the Township in the future. It would also eliminate the need for 20 new on-site systems that would require Operation and Maintenance Agreements with the Township. Further, there would be a reduction in the length of the public water extension into the Rural Residential District by 2,300 linear feet. Mr. Canavan noted that the proposal would also protect the view from the Blooming Glen Village and Rt. 113 cultural corridor by preserving White Chimney Farm as it currently exists. From Rt. 113 looking northwest, the barn and farmhouse on the White Chimney Farms property are visible through the valley. With the preservation of this parcel, Mr. Canavan stated that a good portion of the land between Rt. 113, Blue School Road, Blooming Glen Road, and Schwenkmill Road would be protected from development, and a meaningful tract of open space would be preserved.

Mr. Canavan stated that achieving this consolidated plan would propose the use of the RR Zoning District Cluster provision, and would require some minor relief from the Zoning Hearing Board and the Board of Supervisors. The variances required from the Zoning Hearing Board would be from Section 160-23.B(3)(b) for the dwelling units to be served by public sewer; from Section 160-25.A.(1) to allow for the determination of the base site area by incorporating the areas of the Cinnabar Farms and White Chimney Farms site, which are non-adjointing parcels; from Section 160-26.A to allow the use of public sewers; and a reduction in the required open space from 55% to approximately 47%. The open space calculation does not include the approximate 5-acre tract in East Rockhill Township.

Chairperson Bennington asked if the existing dwelling on the White Chimney Farms property is occupied at this time. Mr. Canavan explained that Mr. and Mrs. Watters and their son presently occupy the home. It is W. B. Homes' intention to resell the existing dwelling/barn parcel if the 21-lot subdivision is pursued. If the Township is agreeable to the consolidation proposal, the applicant would sell it as a flag lot. Discussion took place.

Mr. Canavan referred to the spreadsheet provided to the Board, which shows the difference between White Chimney Farms and Cinnabar Farms with respect to the total acreage, number of existing homes, number of proposed building lots, new road (in linear feet), open space acreage, on-site systems, and public water extension, if these plans were to be consolidated. He noted that the total acreage would remain at 83 acres. The total of proposed building lots for both projects is 42, however if the plans were to be consolidated, there would be a total of 38 proposed building lots. The amount in linear feet of new roadway required would have been a combined total of 5,925 linear feet, however with the consolidated plan, the amount in linear feet of new roadway would be 3,761 linear feet, or a difference of 2,164 linear feet. Mr. Canavan noted that this would obviously be a savings for the developer, and would also be a reduction of future responsibility from a Township standpoint. Further, the acreage amount of proposed open space would have been zero acres for White Chimney Farms and 5.06 (net) acres for Cinnabar Farms. The consolidated plan would offer a total of 40.93 (net) acres of open space to the Township for a difference of 35.87 acres. The number of proposed on-site systems with the consolidated plan would drop to 1 from the initial 21 proposed on the White Chimney Farms property, since Cinnabar Farms was previously proposed for connection to public sewer. Finally, to address the concern about extension of public water into the RR District, Mr. Canavan advised that consolidation would reduce the amount of public water lines that would be installed by 2,300 linear feet, since it would stop at the intersection of Blue School Road and Midway Road, then continue down Midway to the Cinnabar Farms site.

Mr. Canavan believes that there would be many advantages to the Township and its residents, as well as to the developer, if the consolidation plan were to be considered. He reviewed the Township's Open Space and Comprehensive Plans, noticing that there are several areas in both Plans that the Township considers the idea of transfer of development rights as a means to preserve open space. While this proposal is not a true transfer of development rights, Mr. Canavan feels it is a defacto transfer of development rights through a zoning process, rather than the typical mechanism. In addition, both Plans speak to the historic preservation of existing structures and farms. As Mr. Canavan previously mentioned, the farmhouse on the White Chimney Farms site dates back to 1756. Finally, this proposal would provide the preservation of scenic vistas and the opportunity for passive recreation or open space, as well as managing roadways through selective public acquisition or transfer of development rights. In conclusion, Mr. Canavan noted that the Open Space Plan actually refers to Schwenkmill Road as a scenic road, and discusses promoting and protecting scenic vistas and the preservation of working farms.

Mr. Canavan stated that W. B. Homes has been an active participant in the Township's Land Use Summits, which were meant to promote smart, appropriate growth and allows for planning to dictate development, not just a provision of utilities. A particular

comment Mr. Canavan recalls from the last Land Use Summit was to seek meaningful open space through development, rather than isolated strips of land. He believes the proposal before the Board this evening is smart planning that appropriately utilizes public utilities to minimize development, while achieving meaningful open space.

Public Comment:

1. Mr. Henry Rosenberger of Rt. 113 commented that his family owns four tracts of land consisting of 130 acres, which are located adjacent to the White Chimney Farms property, and presently has an application for these 130 acres before the Bucks County Farmland Preservation Board. Mr. Rosenberger noted that they are accepting the application only with the condition that the White Chimney Farms property is not developed. He purchased the 130 acres because it represents one of the nicest vistas in the area. Mr. Rosenberger believes that this proposal would mean significantly less impervious surface, thereby promoting groundwater recharge. The fact that these two parcels were separated represents the kind of fragmentation that is very detrimental to what the Township is trying to achieve in terms of scenic beauty and lasting landscapes. Mr. Rosenberger applauded the creativity of the applicant's proposal, which he feels represents a much smarter plan for development.

Supervisor Manfredi suggested that the Township Solicitor review the various waiver requests and felt that the proposal should also be presented to the Township Planning Commission for review and recommendation. Chairperson Bennington and Supervisor Egly agreed. Mr. Wynn advised that this matter would be placed on the July 18, 2005 Planning Commission agenda for review.

E. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski presented the Wallace Tract Road Frontage Easement and Cash Escrow Subdivision Agreement for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Wallace Tract Cash Escrow Subdivision Agreement. There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2005-24, accepting the Wallace Tract Subdivision Road Frontage Easement.** There was no public comment.

2. Solicitor Grabowski presented the Road Frontage Easement Agreement, Subdivision Agreement, Financial Security Agreement, and Street Light Petition for the Split Acre Farm Subdivision located at Broad and Fretz Road. The Financial Security

Agreement provides for an irrevocable Letter of Credit issued by Harleysville National Bank in the amount of \$1,266,493.23.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Subdivision and Financial Security Agreement for the Split Acre Farm Subdivision, as noted above. There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2005-25, accepting the Road Frontage Easement Agreement for the Split Acre Farm Subdivision.** There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2005-26, accepting the Street Light Petition for the Split Acre Farm Subdivision.** There was no public comment.

3. Solicitor Grabowski presented the Holding Tank Agreement for the proposed CVS Pharmacy located at the northwest corner of the intersection of Rt. 113 and Rt. 313 as submitted by Midlantic Real Estate, Inc. The agreement has been executed by the developer and the required escrow has been provided.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Holding Tank Agreement for the CVS Pharmacy, as noted above. There was no public comment.

4. Solicitor Grabowski presented the Sand Mound Sanitary Sewage System Agreement for Lot #1 of the Rubel/Wright Lot Line Adjustment Plan.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sand Mound Sanitary Sewage Systems Agreement for Lot #1 of the Rubel/Wright Lot Line Adjustment, as noted above. There was no public comment.

5. The Metzger Zoning Appeal for a subdivision project located on Orchard Road and Keystone Drive, required several variance approvals from the Zoning Hearing Board with respect to providing access to certain open space. It was the decision of the Zoning Hearing Board to allow for two lots to be removed from the plan. Upon reviewing their decision, it was determined that perhaps the Zoning Hearing Board based their decision on incorrect information as to the accessibility to the open space on the adjacent parcel. Therefore, the developer has agreed to remove the two lots as the Board of Supervisors requested. There was also discussion about installation of a walking path on the site in consideration of the Township waiving the future payment of recreation fees. The Board was of the opinion that the cost of the installation of the walking path

exceeded what the recreation fees would be. The applicant, Barnes Land Development, has agreed to a Stipulation of those items, and it was Solicitor Grabowski's recommendation to accept the Stipulation of Settlement in the matter of the Metzger Tract Zoning Appeal.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Stipulation of Settlement Agreement for the Metzger Tract Subdivision, as noted above. There was no public comment.

6. Solicitor Grabowski presented a Sewage Maintenance Agreement for TMP #15-28-13-33 for a Peat Filter Option 1 Sanitary Sewage System. The developer, Calhoun Company Inc. has provided the necessary escrow.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Maintenance Agreement for TMP #15-28-13-33 for the Calhoun Company, Inc., as noted above. There was no public comment.

7. Solicitor Grabowski presented a Sewage Maintenance Agreement for a repair system for Mr. and Mrs. Gregory Cox on Church Road to provide for a Peat Filter Option 1 Sanitary Sewage System.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Maintenance Agreement for a repair system for Mr. and Mrs. Gregory Cox, as noted above. There was no public comment.

8. Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Bucks County Planning Commission and the Township Planning Commission to review the Hilltown Township Zoning and Subdivision/Land Development Ordinances, as they relate to the issues as outlined in the Richland Township Open Space Commonwealth Court Case as referred to in the Solicitor's Report under "Miscellaneous Items." There was no public comment.

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

1. Calvary Church Land Development (Final) – The Phase I plan for the building/parking lot expansion for Calvary Church was unanimously recommended for final plan approval by the Planning Commission, subject to completion of outstanding items as contained in the May 27, 2005 engineering review. Phase I of the project includes all road frontage improvements, including extension of cartway widening and curb, installation of sidewalk, and revisions to Rt. 113 to provide a left turn lane into the western site access. Stormwater basin modifications are also included in Phase I and will be made to address stormwater runoff through subsequent phases proposed by the

preliminary overall land development plan. Mr. John Van Luvanee, the applicant's legal counsel, and Ms. Cheryleen Strothers, the applicant's engineer, were in attendance to present the plan.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Calvary Church Land Development (Phase I) pending completion of all outstanding items as contained in the May 27, 2005 engineering review, subject to the Township Fire Marshal memorializing his request for additional fire hydrants as noted in Item #6 of the May 27, 2005 engineering review. There was no public comment.

Comments were received from PennDot concerning the Highway Occupancy Permit. It was noted that the Township actually owns the right-of-way along the frontage of the Church and a bit beyond, which is impacted by the proposed improvements. In that regard, Mr. Van Luvanee is requesting the Township's cooperation, subject to Mr. Wynn's review and approval, in offering to dedicate that said right-of-way to PennDot for improvements to Calvary Church in this phase of the development. Mr. Wynn explained that one of the reasons the Township, in years past, has accepted rights-of-way on State highways so that it would be available for public improvements in the future. PennDot is typically asking for dedication of right-of-way 5 ft. behind the curb. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously that the PennDot right-of-way dedication issue of Calvary Church be thoroughly reviewed by the Township Engineer and Township Solicitor. There was no public comment.

2. Guidi Homes Subdivision (Final) – This seven-lot subdivision located on Broad Street is to be served by on-lot wells and sewage disposal systems, and was unanimously recommended for final plan approval by the Planning Commission subject to completion of outstanding items as contained within the May 24, 2005 engineering review. Mr. William Benner, the applicant's legal counsel, was in attendance to present the plan.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Guidi Homes Subdivision, pending completion of all outstanding items as noted in the May 24, 2005 engineering review. There was no public comment.

3. CVS Land Development (Final) – The Planning Commission recommended conditional final plan approval of the proposed CVS Pharmacy located at Rt. 113 and Rt. 313 subject to resolution of the building architectural design and

Township "monument" sign in a manner satisfactory to the Board of Supervisors, and completion of all outstanding items as contained in the May 24, 2005 engineering review.

Mr. William Benner, the applicant's legal counsel, Mr. Jerry Batoff and Mr. Brian Zappala, the applicant's engineer, were in attendance to present the plan. The approved Highway Occupancy Permit from PennDot was received today. Mr. Benner presented an artists rendering of the proposed building which includes a cupola and stone columns as requested by the Board. The applicant also provided the Board with artist renderings of two monument signs stating "Welcome to Hilltown Township" for the Board's consideration. The Board chose the rendering showing a tan colored wooden sign (approximately 2 ½ ft. in height) mounted with stone columns that are approximately 4 ft. high. The sign itself contains black lettering, with the Township seal prominently displayed on the left of the sign itself. Supervisor Egly asked if the applicant would be responsible for maintaining that sign in the future, and Mr. Batoff replied that they would.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the CVS Land Development, pending completion of all outstanding items as contained in the May 24, 2005 engineering review, with the caveat that the applicant will erect the monument sign and will maintain it in the future. There was no public comment.

Mr. Benner requested that the Township forward the Planning Module Exemption Mailer to DEP, since the Holding Tank Agreement for this project was accepted earlier this evening. Mr. Wynn explained that a copy of the executed Holding Tank Agreement must be sent with the Planning Module Exemption Mailer, which will be accomplished once he receives a copy of the Agreement from Solicitor Grabowski.

4. Sunoco Land Development (Preliminary) – At their May 16, 2005 meeting, the Planning Commission recommended conditional preliminary plan approval to the Sunoco Land Development, pending completion of all outstanding items as contained in the engineering review dated April 7, 2005. At the request of the applicant, this plan was not included on the Supervisor's May 23, 2005 meeting agenda.

Mr. Carl Wiener, the applicant's legal counsel, was in attendance to present the plan. He advised that Sunoco acquired the property immediately north of the existing tract in order to expand the facility and to create better circulation within the site. The applicant received relief from the Zoning Hearing Board for several variance requests.

Chairperson Bennington asked if the safety issues raised by the neighboring Hilltown Fire Company have been satisfactorily addressed. The applicant's engineer advised that there were underground storage tanks in the rear of the project, within close proximity to

the firehouse, which the applicant has agreed to pull away from the firehouse property. Designated parking has been added on the Sunoco site for use with firehouse operations. He believes that Sunoco has eliminated or addressed the objections raised by the Hilltown Fire Company. Discussion took place regarding the proposed access to the site.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to grant conditional preliminary plan approval to the Sunoco Land Development, pending completion of all outstanding items as noted in the April 7, 2005 engineering review, along with written verification from the Hilltown Fire Company that all of their safety concerns have been satisfactorily addressed by the applicant. There was no public comment.

G. ENGINEERING: None.

H. MYLARS FOR SIGNATURE:

1. Galway Farm Estates Subdivision (Formerly Split Acre Farm Subdivision)

I. PUBLIC COMMENT:

1. Mr. Joe Marino of Redwing Road suggested that meeting minutes be emailed, rather than mailed, to the various board and commission members, which would save time and money. The Board agreed to take Mr. Marino's suggestion under advisement.

2. Mr. John Castle of 18 Paige Trail asked the status of collecting on the bond that was defaulted for the Hilltown Chase Subdivision. While the bonding company has not yet released any funds, Mr. Wynn explained that work is being performed. It is his understanding that the Elliott Building Group is depositing additional escrow funds with the Township to insure that certain payments are made. At this time and for the past month, the developer has been working on miscellaneous yard work. Discussion took place.

Mr. Castle actually filed and won a lawsuit against the Elliott Building Group in Bucks County Court. It is Mr. Castle's understanding that he was awarded a lien against the open space currently owned by the Elliott Building Group. Solicitor Grabowski explained that the Township has not taken dedication of the open space in the Hilltown Chase Subdivision, since the public improvements have not yet been completed. Further, before the open space is dedicated to the Township, the existing Subdivision/Land Development Agreement states that the open space must be dedicated to the Township free and clear of all judgments and liens. Mr. Wynn wished to clarify that the bond money could not be used to pay Mr. Castle for a lien on the open space property, and Solicitor Grabowski agreed. Mr. Castle asked when the Township is expecting to take

dedication of the property. Mr. Wynn replied that the paving of the driveways is tentatively scheduled for the third week in July, and the paving of the roadway is anticipated to take place in early August. He believes that the Township would be taking dedication in the fall of 2005.

3. Ms. Kathy Newman of 402 Brookside Drive advised the Board at the June 13th Worksession meeting, that Mr. Wynn and Mr. Buzby had visited the Pleasant Meadows development to investigate the stormwater drainage complaints that were made at a previous meeting. She referred to Mr. Wynn's report of that visit and suggestions for rectifying the problem, which is found in correspondence dated June 9, 2005 to the Board of Supervisors. Ms. Newman asked when the re-grading of the properties on Yarrow Court would take place, and if the soil that is removed would be used to re-establish the property for soil erosion where ditches have formed, particularly at 408 and 406 Brookside, which have been affected the most. She also asked what would happen if this recommended action does not solve the problem.

Mr. Wynn noted that the problem starts behind 13 Yarrow Court, which backs up to both 408 and 406 Brookside Drive. The stormwater originates at the rear of 412 Brookside Drive, including rear yard drainage primarily from 408, 410, and 412 Brookside Drive, and a very small amount coming from what used to be the Hinkle and Rosenberger property. That water, instead of flowing into a stormsewer easement, which is on the rear of four lots – three of which front on Yarrow Court, and one of which fronts on Thistle Lane – continues to discharge down 406 Brookside Drive, then eventually drains very close to the dwelling on Ms. Newman's property. Mr. Wynn advised that the water in the rear of 408 Brookside Drive, and to a lesser degree on 406 Brookside Drive, should actually be discharging into the easement area, which is a well-defined swale that drains to a headwall in the rear yard of 320 Thistle Lane. An eroded channel has formed in the rear of 406 and 408 Brookside Drive, partially because the water, over many years, has not flowed into the drainage easement. It has also been compounded further by the heavy shade cover, which does not allow for established lawn to grow.

Mr. Wynn stated that the construction of Phases 1 and 2 of this subdivision began in 1985, with Phases 3 and 4 actually becoming part of a different development – the Orchard Glen Subdivision. Stormwater from the Orchard Glen Subdivision actually flows into an inlet and collection system on 15 Yarrow Court. All of that water is taken completely away to a detention basin that is very remote from the area in question. There appears to have been topsoil placed in the rear of 13 Yarrow Court within the easement area, which caused the problem. Ms. Newman has been living on this property for the past 13 years, but only since 1999 after Hurricane Floyd, has she noticed the increase of drainage problems. Mr. Wynn also noted that there is a berm located between 13 and 15 Yarrow Court, and an inlet and piping system, which collects the water in the rear and

front yards of those properties. The water flows across Yarrow Court and feeds into a privately owned basin near the walking path on Orchard Road. Discussion took place.

Supervisor Manfredi suggested that the Township Solicitor review the easement language, as well as the Financial Security/Land Development Agreement for that subdivision, to determine the Township's role or responsibilities with respect to restoring the easement to what it was. Chairperson Bennington and Supervisor Egly agreed. Solicitor Grabowski will provide a status report at the July 25, 2005 Supervisor's Meeting.

4. Mr. Wilhelm Haubeck of 526 Middle Road presented photographs of the neighboring property owned by James Betancourt of 532 Middle Road, showing junk vehicles, broken fencing, mattresses, an abandoned swimming pool, old oil tank, and other junk items, which has caused a rodent infestation that is spilling over to Mr. Haubeck's property. Supervisor Egly noted that Mr. Taylor, Code Enforcement Officer, is well aware of this complaint and has begun enforcement proceedings against the property owner. He asked Mr. Haubeck to provide the photographs to Mr. Taylor to present in court proceedings.

Supervisor Manfredi requested that Mr. Taylor provide an update on this issue at the next Worksession meeting.

5. With respect to the sprinkler issue in the Longleaf Estates development, Mr. James Ravert of 435 Longleaf Drive stated that the Supervisors had directed the Fire Marshal to remain in weekly contact with the residents about the progress of the investigation, however he has only received two emails from Mr. Jenkins since that time. Supervisor Manfredi asked Mrs. Seimes to find out why Mr. Jenkins has not been communicating with the Longleaf residents on a weekly basis as directed by the Supervisors. Mr. Ravert did, however, receive a material safety data sheet from Mr. Jenkins about the antifreeze solution that was used in the sprinkler systems, which is 99.5% glycerin.

At the time the sprinkler systems were installed, Mr. Ravert understood that the former Township Manager, Greg Lippincott, did the sprinkler inspections. Supervisor Manfredi explained that the Township Manager at the time did conduct some inspections, however the Board does not know if he actually did the inspections on the dwellings in the Longleaf Estates Subdivision. Mr. Ravert was under the impression that the identity of the inspector was one of the items Mr. Jenkins was charged with determining. If someone other than Mr. Lippincott conducted those inspections, Mr. Ravert would like to know. Chairperson Bennington explained that it is the Building Inspector who would normally do inspections, though the Manager has assisted in the past if there was an overload.

Mr. Ravert quoted portions of an email he received from Mr. Muncy of the American Fire Sprinkler Association, which states "We have solicited information from various sources about what might have caused the problem in your area. One source cites a pressure surge created by a local Water Authority. Another source believes there may have been contaminants in the fire sprinkler system that resulted in the failure of the piping. I have heard no references to faulty sprinkler heads. At this stage, and without information from testing, we really do not have a clear picture. I am aware of some instances several years ago, in which an unacceptable antifreeze solution was used that caused problems. This solution was not acceptable for use with CPVC piping and caused the joints to fail. I have only heard of this happening a few times, but I would assume it is possible that a similar situation could have occurred. One thing that is certain however, this is an extremely rare occurrence. Fire sprinkler systems using CPVC piping are being used all over the country, including apartments, hotels, and single-family homes, including my own, with no sign of the problems you have experienced."

Mr. Ravert wondered how the Township Building Inspector determined that 75 to 85 lbs. of pressure testing was sufficient, when every expert he has spoken to stated that 150 to 200 lbs. of pressure for two hours should be used in testing. He experienced five copper pipe leaks and seven leaking sprinkler heads, and believes that if the system had been properly tested with the normal amount of pressure, the pipes would not have leaked. If those pipes did leak, the problem would have been discovered and repaired at the time of testing. Mr. Muncy has told Mr. Ravert many times that if the system had been tested properly the leaks would have been discovered immediately.

Mr. Ravert understands that Heritage and their expert recently visited and inspected one of the sprinkler systems in the development. Immediately after the Supervisor's meeting when this issue was brought to light, Mr. Ravert emailed Mr. Jenkins, inviting him to inspect his home at any time, since there is someone available at all times, however Mr. Jenkins did not respond. Mr. Ravert is anxious to learn who conducted the inspections on the sprinkler system in his home, particularly since he understands that the former Township Manager is now employed by Heritage Building Group.

Supervisor Manfredi asked Mr. Ravert to compile a list of unanswered questions and concerns to submit to the Township Secretary to forward to Mr. Jenkins. Chairperson Bennington acknowledged that the Board of Supervisors had previously agreed to Mr. Jenkins providing the residents of Longleaf with weekly updates. Once the questions have been addressed, Supervisor Manfredi asked that Mr. Jenkins provide a written response to Mr. Ravert made prior to the July Worksession meeting, with copies provided to the Board of Supervisors. Chairperson Bennington and Supervisor Egly agreed.

6. Mr. Sam Bogan of 479 Longleaf Drive stated that Mr. Larry Wargo of Heritage Building Group and a representative of Qualified Fire Protection visited his

home last week, with the intention of taking pipe samples. The Qualified representative drained the content of the pipe, which was a white milky substance that was inconsistent with what Qualified initially put into the pipe. Mr. Bogan advised that all of the repair work on the sprinkler system in his home was done by HAS Fire Protection, and therefore, Qualified was not willing to take responsibility for the substance that was put into his sprinkler system. If the Ordinance requirement for residential sprinkler systems is no longer valid since the adoption of the Statewide Building Code, Mr. Bogan would like something in writing stating that he can remove the system. Speaking for himself, Mr. Bogan made it clear that, personally, he is not interested in retribution or monetary reimbursement; he simply wants to disable and remove the sprinkler system. Solicitor Grabowski commented that this is an issue that would be determined by the Fire Marshal or the Code Enforcement Officer.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi explained that during this meeting, Mrs. Seimes transcribed, word-for-word, that section of the June 13, 2005 Worksession minutes that Mr. Marino had questioned earlier. Those comments are as follows:

John Wietecha – “That’s about it for the Open Space Board. However, did I understand the Planning Commission correct – Rural Residential is now going to Conservation District?”

Chairperson Bennington – “I think what they are intimating is that it’s going to be called a Conservation District, it doesn’t necessarily mean it’s going to change. I think there’s a couple of options involved, but the designation would change to Conservation District., according to the proposal.”

John Wietecha – “So then, if it’s a Conservation District, we don’t have to acquire open space anymore, correct, because it’s already conserved?”

Chairperson Bennington – “No, I think it’s a misnomer....”

D. Brooke Rush – “It’s in name only.”

Chairperson Bennington – “Yeah, in name only, John. Well, yeah its in name only, if it stays.....”

John Wietecha – “Well its come up....”

Supervisor Manfredi – “John, if you’re given a copy of an amendment to the Zoning Ordinance and you read it, it will be clear to you. I can tell you what was intended, does that help you?”


John Wietecha – “I’ll take your word that I’ll understand it when I read it.”

Supervisor Manfredi invited Mr. Marino to meet with Mrs. Seimes at 9:00AM on Tuesday, June 28, 2005 if he was still interested in listening to that section of the tape recording of the June 13, 2005 Supervisor’s Worksession meeting.

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

L. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the June 27, 2005 Hilltown Township Board of Supervisors meeting was adjourned at 9:13PM.

Respectfully submitted,


Lynda Seimes
Township Secretary