

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, May 23, 2005
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:35PM 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
Daniel Jenkins – Fire Marshal
C. Robert Wynn – Township Engineer
Lynda S. Seimes – Township Secretary

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel and legal issues, including H & K Quarry (without Supervisor Manfredi present), the recent Teed court decision, and the Metzger appeal.

A. Newly Appointed Bucks County Commissioner – Mr. James Cawley – Commissioner Cawley thanked the Board for the opportunity to introduce himself this evening. When he was sworn into office on January 18th to fill the balance of Congressman Fitzpatrick's term as County Commissioner, Commissioner Cawley made a commitment to make an earnest attempt to visit all of Bucks County's 54 municipalities to meet with their elected officials during a public meeting. He offered his services to Hilltown residents with respect to Bucks County government. Supervisor Manfredi commented that Commissioner Cawley, whom he has known for years, is a quiet and very modest individual. He commended Commissioner Cawley for his commitment to public service, for his years as chief of staff to Senator Tommy Tomlinson, and for years of orchestrating and managing very sound campaigns.

Commissioner Cawley provided his office number (215-348-6424) for any Hilltown Township resident who may have a question, comment or suggestion.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Larry Wargo, Vice President of the Heritage Building Group, read a prepared statement into the record, which follows:

“Dear Hilltown Township Board of Supervisors,

We take great pride in the homes we build and believe customer satisfaction is critical. Accordingly, we are concerned about any problems associated with sprinkler systems in

the Longleaf community and we regret any inconvenience that any resident has experienced. Here is the latest on the situation.

To date, most leaks in the sprinkler systems have been “drips” from the sprinkler heads and have been resolved by routine service, which included the tightening or replacing of the heads. Recently, however, several leaks appear to have been caused by cracks in the pipe. We have been actively working to better understand these incidents; identify the cause(s), determine whether other homes may be affected, and to take appropriate action.

To this end, we have engaged a leading, independent engineering firm with specific experience and expertise in residential sprinkler systems. We have also involved everyone in the sprinkler system supply and installation chain, including the pipe and component manufacturers, as well as the installer. All involved are aware that this matter is of the highest priority.

You will hear from us shortly – as will the homeowners – regarding the progress of our inquiry and the work of our experts. In the meantime, we are encouraging homeowners to continue to keep an eye on their system and to contact us immediately, day or night, if they notice a problem. We will dispatch a crew to the home immediately, regardless of the day or time. We are also advising homeowners to contact the Township in the event they decide to disable their sprinkler system, however we are not suggesting they take this action.

We know that timing is critical and will continue to work diligently in order to determine the specific cause and extent of any problem and identify possible solutions. Thank you for your time and attention to this matter.”

C. APPROVAL OF MINUTES – Action on the minutes of the April 25, 2005 Supervisor’s Meeting – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the April 25, 2005 Supervisor’s Meeting, as written. There was no public comment.

Action on the minutes of the May 9, 2005 Supervisor’s Worksession Meeting – Motion was made by Supervisor Manfredi, and seconded by Supervisor Egly to approve the minutes of the May 9, 2005 Supervisor’s Worksession Meeting minutes, as written. Chairperson Bennington abstained from the vote since he was not present at that meeting. Motion passed. There was no public comment.

D. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated May 24, 2005, with General Fund payments in the amount of \$19,367.71, Park and Recreation Fund payments in the amount of \$10,114.80, State Highway Aid

Fund payments in the amount of \$790.93, and Escrow Fund payments in the amount of \$3,881.11; for a grand total of all payments in the amount of \$34,154.55.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated May 24, 2005, as written. There was no public comment.

E. CONFIRMED APPOINTMENTS:

1. Mr. Kouassi Kouakou – Longleaf Estates Sprinkler Complaint – Mr. Kouakou has been a resident of the Longleaf Estates Subdivision for four years, which has been frustration after frustration with respect to the sprinkler situation. He trusted Heritage Building Group and the Township to see that his home was built to the highest safety standards available, but has been greatly disappointed. Mr. Kouakou did not ask for a sprinkler system in his home, which was imposed upon him due to Township regulations. Chairperson Bennington explained that the Board of Supervisors imposed sprinkler systems in new residential dwellings because the seven fire companies who service the Township strongly recommended that it be required.

On December 21, 2005 at 11:00AM, an alarm went off in Mr. Kouakou's home and the master bedroom then became soaked with water from the malfunctioning sprinkler system. The walls of Mr. Kouakou's entire home, his office materials, furniture, carpeting, and other belongings were soaked. The water flowed into the garage ceiling and walls, and then flooded his basement. He noted that the fire sprinklers were installed in his home to save his family and belongings from a fire, however it has instead resulted in serious damage to his home. Mr. Kouakou has experienced nothing but problems with Heritage Building Group and their lack of response to complaints. He contacted the Township's Fire Marshal with these complaints as well. Mr. Kouakou noted that an increasing number of Longleaf residents are now draining and disconnecting their sprinkler systems in fear of malfunctioning systems. So far reports of sprinkler damage range from leaks, which have stained carpets to over \$100,000.00 worth of water damage to some dwellings in this development.

Mr. Dan Jenkins, Hilltown Township Fire Marshall, has been contacted by a number of Longleaf residents, but has only conducted a site investigation on two dwellings that experienced sprinkler malfunction. Unfortunately, at this time the Township is in possession of very limited data on small number of sprinkler incidences. Mr. Jenkins has begun communications with Heritage Building Group, however without substantial evidence to corroborate the problem or determine how widespread the problem might be, his hands are somewhat tied. Mr. Jenkins encouraged anyone in the Longleaf Estates development who experienced sprinkler problems to contact him so that he can compile and track the information. Mr. Jenkins advised that a plan review of the

sprinkler systems was conducted on paper prior to installation to insure that they conformed to the 1996 NFPA 13D requirements, which is the standard for residential sprinkler systems. All sprinkler systems in the Longleaf Estates Subdivision were also inspected at the rough frame stages before any insulation or drywall was installed. The sprinklers were, at that time, under test at approximately 75 to 80 lbs. of pressure. Upon a brief review of the records, Mr. Jenkins believes the systems remained on pressure or where let down and then re-pressurized with the water pressure from the street, and then the system was re-inspected during the final inspection of the dwelling. At the time of final inspection, Mr. Jenkins advised that the Building Inspector would have been looking for any leaks, insuring that the system held pressure, insuring that the valves are located in the correct position, that the proper devices were in place, and that the new sprinkler heads were installed properly. It does not appear to Mr. Jenkins that there was an improper installation of the sprinkler systems. He advised that there were no Code violations noted, the plans were reviewed and the systems were inspected by the Township Building Inspector and found to comply with the nationally recognized standard for installation of sprinkler systems in one and two family dwellings. There appears to be two separate and distinct sprinkler problems involved with the Longleaf Subdivision – one is the split pipe which Mr. Kouakou displayed this evening, and the other being leaking and/or weeping sprinkler heads. Mr. Jenkins received a number of calls from people who had issues with the leaking or weeping sprinkler heads over the years, though he does not have an accurate count on that number. With respect to the cracked or split pipes, Mr. Jenkins is only aware of three homeowner's who experienced this problem. Supervisor Manfredi asked if Mr. Jenkins has reached a conclusion as to what may have caused the split pipe problem. Without laboratory analysis, Mr. Jenkins can only assume that it might be due to a frozen pipe because the antifreeze system was not rejuvenated on an annual basis. The second situation took place in a first floor wall, which obviously could not be attributed to any type of freezing, and therefore Mr. Jenkins provided the homeowner with a copy of a letter from the manufacturer who stated that they would be very interested in obtaining a sample and examining the failed section to determine the cause of the failure. Supervisor Manfredi felt it was most important that the Township conduct a thorough investigation to assist the residents and suggested that Mr. Jenkins hold a meeting with representatives of Heritage Building Group and Longleaf residents in order to keep everyone apprised of the situation.

Chairperson Bennington reminded those in attendance that the Township cannot be involved with individual homeowner complaints against a builder. However, since the sprinkler issue is one that has affected almost every dwelling in the Longleaf Subdivision, he agreed that it must be addressed by Heritage Building Group, with assistance from the Township.

Mr. Larry Wargo of the Heritage Building Group, advised that there have been three distinct problems experienced by the Longleaf homeowners. He noted that a glycerin

water/antifreeze system was used upon the manufacturer's recommendation due to the large number of two story foyers and two story family rooms in the development. Heritage has replaced sprinkler heads and fittings in a number of homes due to problems with this type of system. In the last six to eight months, however, Mr. Wargo advised that the splitting of the pipe is a brand new problem. Further, this splitting problem appears to be unique to only one dwelling, which is indicative of a freeze problem. Mr. Wargo stated that Heritage has retained an expert from Ohio, and they are currently waiting for a status report of the project, at which time Heritage intends to aggressively pursue the cause of the problem.

**Chairperson Bennington announced that he would be adjourning this meeting in order to enter into the advertised Public Hearing. Solicitor Grabowski advised that the Supervisors could suspend the clock on the advertised Public Hearing in order to continue with this discussion.

2. Mr. James Ravert of 435 Longleaf Drive researched the issue of residential sprinkler systems on the Internet and discovered that none of the surrounding Townships in Bucks County require installation of residential sprinkler systems. This is a problem in itself since no companies in this area are familiar with their installation. Mr. Ravert stated that when the antifreeze mixture was reinstalled into his sprinkler system, it was at 75 lbs. of pressure, however one week later it was at 125 lbs. of pressure, because there is no pressure regulator on the systems. Mr. Ravert reviewed photographs of the damage to Mr. Kouakou's attic, he noted that attics do not require sprinklers, however the rooms below it do. Therefore, the pipes for the sprinkler system should have been run in the walls behind the insulation, not above it.

Mr. Ravert contacted Heritage on seven different occasions due to leaks in the sprinkler heads, however, when he contacted two other companies who do government, commercial, and residential sprinkler system work in Philadelphia and Montgomery Counties, they told him the system should be pressure tested at 150 lbs. for two hours to be adequate. If it is tested as such, he was told that there would be no leaks unless the sprinkler head was defective. He does not believe there would be sprinkler head leaks if the system was properly inspected, and wondered if a certificate is on file for every sprinkler system that was inspected, as required by State law. Mr. Ravert commented that he and his neighbors are paying for the "privilege" of having a residential sprinkler system, which now does not work properly and which he was told to turn off to avoid future flooding problems such as those experienced by his neighbors. Mr. Ravert's system is no longer covered under warranty, and Heritage has since charged him an additional \$450.00 to fix five more leaks. He has had seven sprinkler heads tightened, and seven leaks repaired in just over two years.

Mr. Ravert discovered that the Residential Fire Safety Institute has been finding that all around the United States, especially in Pennsylvania, there are increased fees from Water Authorities for residential sprinkler systems. He pays \$6.00 per month for a separate line, although that line is never used unless there is a fire. Sprinklers reduce the amount of water that an Authority must supply, and therefore, Mr. Ravert stated that when permits are issued, they are done so to supply a decreased amount in the fire plan, and they can also use less fire hydrants. He wondered if that was done in this case. Mr. Ravert knows that Heritage was given permission to construct the dwellings that close together because of the residential sprinklers. Mr. Ravert suggested Mr. Jenkins contact the Residential Fire Safety Institute who can instruct him as how to educate the water purveyors so that they are not charging more than necessary.

Mr. Ravert commented that he had made the Fire Marshal aware of problems with the sprinklers in his home last month. He is personally aware of twelve major incidences of sprinkler malfunction in Longleaf. Mr. Ravert is very concerned that the Building Codes were not adhered to when the entire development was constructed and that once installed, the systems were not properly tested.

3. Mrs. Sally Simpson of 502 Timber Court also experienced a split pipe in her kitchen on Super Bowl Sunday, at which time she drained the system. She is concerned with the long-term aspects of this problem, since her system has now been disconnected. When and if Mrs. Simpson sells her home, she and her husband will have to disclose that there is a faulty sprinkler system, which will decrease the value of her home. She feels that this is not just a Heritage Building Group problem, but is a Township, real estate, and property value issue as well.

Chairperson Bennington asked if Heritage has experienced any difficulties with residential sprinklers when constructing other single family dwelling developments in Hilltown or other Townships. Mr. Wargo replied that they have not. He explained that Heritage hired a subcontractor, HAS Fire Protection, which is one of the biggest and best sprinkler companies in the country, to install the sprinklers in the Longleaf and the Orchard Hill apartment complex development. Discussion took place.

4. Mr. Jeff Taylor of 442 Longleaf Drive experienced a very serious sprinkler system malfunction, which he would term a "tsunami" in July of 2004, while he and his family were on vacation. His situation involved 13,000 gallons of water running through the living room, kitchen and family room for two days, for which his insurance company paid a total of \$105,000.00. Mr. Taylor is concerned that these problems will continue unless some action is taken by the Township. He does not feel that enough is being done by the Board of Supervisors or by Heritage Building Group. Mr. Taylor believes that there is a class action lawsuit brewing if the problem is not addressed.

5. Mr. Rob Montgomery of 456 Longleaf Drive asked what recommendations were made to the Board and what type of data was gathered to recommend the installation of sprinkler systems in residential dwellings. He was told by Heritage that the original sprinkler installation company had gone out of business. Mr. Wargo commented that two sprinkler installation companies were used – HAS Fire Protection and Qualified, though the latter has gone out of business. The only time Mr. Montgomery received any type of satisfaction from Heritage was when he expressed his displeasure in the presence of a potential home buyer. Mr. Montgomery was not educated that the sprinkler systems had to be replenished with antifreeze, as Mr. Jenkins advised earlier. He is very concerned about the potential harmful effects on his family from the antifreeze when the systems leak.

6. Mrs. Elizabeth Bedrose of 329 Victoria Lane contacted Mr. Steve Muncy, the president of the American Fire Sprinkler Association, who advised that such widespread sprinkler malfunction is extremely rare, and stated that such problems would most likely be detected during the inspection process. Mrs. Bedrose understands that the requirement for residential sprinkler systems has now been repealed in Hilltown Township. Chairperson Bennington disagreed, noting that sprinkler systems are still required in new construction of single-family dwellings in Hilltown. Mrs. Bedrose has also heard that the Township's representative who inspected the sprinkler system installations may not have been licensed to do so at the time, and that he is now an employee of Heritage Building Group. Mr. Jenkins advised that the inspector at the time was David Taylor, who remains as the current Code Enforcement Officer for Hilltown.

Mrs. Bedrose wants a safe home for herself and her children. The Fire Marshal told someone in her development that residential sprinkler systems may provide 5 minutes to escape a fire, and she commented that just one second could save each child in her neighborhood, which is all she is asking for.

7. Mr. Chris Alexander of 431 Longleaf Drive has only experienced minor leaks with no major damage, but has now disconnected his system. His neighbor purchased the spec house for the second phase of the development, which interestingly enough, has a pressure reducer on its sprinkler system. Mr. Alexander has a pressure reducer on his water line, but not on the sprinkler system itself. In conversations with Mr. Jim Groff, manager of the Hilltown Authority, Mr. Alexander learned that this area often experiences issues with water pressure. His system has always run at 105 lbs. of pressure, however Mr. Jenkins had advised that the systems were tested at 75 lbs. of pressure. Mr. Alexander wondered if the installation of pressure reducers on the sprinkler system would solve the problem. He suspects that someone cut corners during the sprinkler installation process, and believes that there should be consequences for those actions.

8. Mrs. Joanne Marko of 487 Longleaf Drive is the owner of one of the two dwellings that Mr. Jenkins inspected. Mr. Jenkins had indicated that the pressure reducer valve in her home was installed on the waterline, not on the sprinkler system as it should have been. Heritage led Mrs. Marko to believe that the leaking incident in her home was a water spike issue, and that a pressure reducer valve would have solved the problem. She was also told that a pressure reducer valve on a sprinkler system was not a requirement of the Building Code, which is why it was not installed on the system in the first place. Mrs. Marko experienced \$12,000.00 worth of damage from a leaking sprinkler system and has since disconnected her system.

9. Mr. Jeff Rotundo of 421 Longleaf Drive, who purchased his home approximately 9 months ago, has not yet disconnected his system. He has a two year old child and another baby due on June 22, 2005, and is seeking a recommendation from the Fire Marshal as to whether or not he should disconnect his sprinkler system to keep his family safe. Mr. Rotundo stated that the sprinkler system malfunction is a very serious safety issue that must be addressed this evening. Discussion took place.

10. Mr. Joe Pinter of 418 Longleaf Drive is a finish carpenter who worked on approximately 30 dwellings in Longleaf Estates. He personally disconnected and drained his sprinkler system after a leak. Mr. Pinter has received many requests from his neighbors asking him to disconnect their sprinkler system due to fears of future water damage. Many Longleaf residents have also disconnected their sprinkler systems on their own.

Mr. Wargo would not recommend that the homeowners disconnect their sprinkler system, and does not believe that it is an installation problem. He reiterated that Heritage has hired the best expert they could, and within a short period of time, perhaps 30 to 45 days, hopes to have that expert's opinion and recommendation as to how to address the problem. Discussion took place.

Supervisor Egly stated that the Fire Marshal and the Building Inspector must meet with the residents to create a timeline and history of the problems, and investigate these claims as quickly as possible. Supervisor Manfredi referred to copies of past Supervisor meeting minutes from February 12, 2001, February 26, 2001, March 12, 2001, April 9, 2001, May 29, 2001, June 25, 2001, July 9, 2001, November 12, 2001 and February 11, 2002; all of which contain discussions of issues relating to the Longleaf Estates sprinkler leaks. Mr. Paul Abdullah of the Heritage Building Group, who was present at these past meetings, and was in attendance this evening, commented that the sprinkler leaks experienced in the beginning of this project had dwindled to virtually none, until the pipe splitting problem was brought to light by Mr. Kouakou. Mr. Wargo commented that the more significant catastrophic damages residents have reported this evening is a result of a totally separate issue from those earlier complaints. He advised that the problems reported back in 2001

were from cracked and leaking sprinkler heads. Supervisor Manfredi noted that there was reference in those earlier meeting minutes to pressure, and asked if pressure tests were performed and everything was recalibrated at that time. Mr. Wargo replied that the pipes in the sprinkler systems were rated for 175 lbs. of pressure, and according to the pipe manufacturer would support pressure up to 900 lbs.

11. Mr. Sam Bogan of 479 Longleaf Drive commented that every sprinkler problem he experienced is in the risers, where it transitions from copper to plastic. His complaints have been logged by Heritage several times. Mr. Bogan has looked at several of the sprinkler systems in the development, and noticed that none appeared to be installed the same way twice. There are pressure reducer valves on some, and expansion tanks on others. Mr. Bogan asked to review the plans that were to be implemented in the homes. If after review of those plans, he discovers that the sprinkler systems were not installed to specifications, Mr. Bogan wondered if Heritage would replace those systems. Mr. Wargo commented that there are always field variations that occur, however Heritage Building Group would correct any sprinkler systems if they do not meet the Code. Mr. Bogan suspects this may not be just a sprinkler problem, but a water problem as well. Discussion took place.

12. Mrs. Dina Bennett of 317 Victoria Lane experienced a leak above her kitchen island approximately six weeks ago. HAS Fire Protection repaired the leak, but left a gaping 8 ft. X 10 ft. hole in her ceiling. This morning, she woke to another leak in the foyer.

13. Mr. Dan Jalosinski of 441 Longleaf Drive called Mr. Gorley of HAS Fire Protection in December after Mr. Kouakou's experience to schedule an inspection of his sprinkler system or to perhaps disconnect it, however after initial contact, his phone calls were never returned. Approximately three weeks ago, Mr. Jalosinski's sprinkler system leaked over his kitchen, due to an 8 ½" crack in the pipe, which was not near any clamps. Approximately 600 gallons of water and antifreeze ruined hardwood floors, and compromised the safety of his family.

14. Mr. Tom Erario of 333 Victoria Lane feels that the Township and Heritage Building Group are very, very lucky that no one has been physically hurt as a result of the sprinkler problems. He wished to re-emphasize that commitments must be provided by the Board and Heritage this evening and that there must be quick action taken to address these problems.

While Supervisor Manfredi agreed that the aggressive schedule provided by Mr. Wargo this evening is a good thing, he believes that a report and regular communication between the Township, Heritage, and the residents must be consistent. Additionally, the Fire Marshall and the Code Enforcement Officer will be reviewing the property files to

establish time lines, inspection schedules, complaint reports, etc. It appears to Chairperson Bennington that there is no commonality to any of the problems, and that each is unique. Therefore, he wondered if the expert Heritage has contracted with will inspect each and every home in the Longleaf Subdivision to determine what the issues might be. Mr. Wargo replied that the expert Heritage hired is a forensic chemist who will review how the sprinkler system was set up, check valves, expansion tanks, backflow preventers, and pressure reducers, in order to make his report, which is a very, very complicated issue that will take time. Chairperson Bennington suggested that the expert check every one of the 80 dwellings in Longleaf, since there are so many varied problems. Supervisor Manfredi would also like to see regular, consistent communication on a weekly basis from Heritage Building Group with the Township's Fire Marshal and residents of Longleaf Estates. Lengthy discussion took place.

15. Mr. Dan Frederick of 509 Timber Court finds something inherently wrong with a builder who constructs dwellings for profit evaluating the situation. He believes the Township should be responsible to evaluate whether or not the sprinklers were installed in accordance with the BOCA Code. Supervisor Manfredi stated that the Fire Marshal and the Code Enforcement Officer were directed to conduct an independent investigation with respect to the sprinkler system issue.

16. Mr. Doug Lashley of 454 Longleaf Drive experienced a serious sprinkler problem on Good Friday of 2004, which caused up to \$20,000.00 worth of damage, after which time he disconnected the system. He also spent \$2,000.00 to have the sprinkler heads lowered in the finished basement. Mr. Lashley is concerned about the possible harmful effects of the antifreeze solution in the sprinkler system.

17. Mrs. Celia Pregizer of 470 Longleaf Drive experienced a leak in her daughter's bedroom on settlement day. The developer did not provide Mrs. Pregizer with any literature about the sprinkler system, which was installed by Qualified. Her family experienced five leaks within their first year of occupancy, and it was very difficult to reach Heritage Building Group each time. Mrs. Pregizer does not believe that most residents know what the water pressure is supposed to be or how to deal with the system. She was once told by Qualified that if the water pressure reached over 90 lbs. of pressure, to push the button beneath the expansion tank to relieve the pressure. However, once Qualified went out of business, a repairman from HAS told Mrs. Pregizer not to touch the button on the expansion tank. To this day, the gauges on the sprinkler system in Mrs. Pegizer's home remain pegged.

18. Mr. Pat Kelly of 440 Longleaf Drive experienced a sprinkler malfunction approximately two weeks after Mr. Taylor. Mr. Kelly woke at 2:30AM to hearing water pouring down in the family room, the basement, and the garage, which resulted in approximately \$10,000.00 in damage. He contacted Heritage, who did not respond to

the site, and contacted Mr. Gorley at HAS, who also did not visit the site as promised. Since that time, Mr. Kelly disconnected his sprinkler system. He suggested that the Township determine how many dwellings have been affected by sprinkler leaks. Discussion took place.

19. Mrs. Sara Ward of 457 Longleaf Drive experienced several leaks when her family first moved into the development while still under warranty. Like other neighbors, the Ward family finished their basement, and paid \$1,200.00 to have the sprinkler heads lowered. Mr. and Mrs. Ward drained the sprinkler system because they did not want to take the risk of a serious malfunction. Mrs. Ward and her neighbors are very worried about the safety of their families. She is aware of at least five other Longleaf residents who drained their systems right after the Kelly and Taylor homes were damaged, and is certain there are many more.

Mrs. Ward wondered how there could be so many variations involved in how these sprinkler systems were installed and inspected. She would think that there would be some type of standard involved for sprinkler installation.

20. Mr. Steven Ragomo of 468 Longleaf Drive currently has seven leaking sprinkler heads and has had HAS out several times to replace sprinkler heads, in some cases, twice. The main riser in the system is leaking, which is why he has drained the system. Whether or not the damages from this sprinkler problem are catastrophic or merely a nuisance, Mr. Ragomo noted that there has been a problem in this development since 2001, however Heritage is just now addressing it by hiring an expert to look into the matter. Mr. Ragomo feels that the Supervisors, as the resident's elected representatives, should have been on top of this issue from the beginning. He wondered how all these faulty sprinkler systems could have passed inspection by the Township. Mr. Ragomo holds Heritage Building Group directly accountable, noting that he purchased a home with a sprinkler system, which was mandatory by the Township, and therefore, he holds Hilltown Township responsible as well. He is not happy with Mr. Wargo's timeline of 30 to 45 days, and stated he would give Heritage a week to provide an adequate result. If that does not occur, Mr. Ragomo threatened to file a class action lawsuit against Hilltown Township and the Heritage Building Group.

21. Mr. James Ravert of 435 Longleaf Drive conducted a search on the Internet and determined that there is no requirement in the Building Code for residential sprinklers in new construction. In April of 2004, Mr. Jenkins explained that the Township adopted the Statewide Building Code, which effectively deleted any Ordinance such as the Township's Sprinkler Ordinance, adopted by a municipality after July 1, 1999.

22. Mrs. Patricia Fite of 476 Longleaf Drive is most concerned because many Longleaf residents have disconnected their sprinkler systems and asked if the fire department's hoses can reach each and every home from a fire hydrant. Supervisor Egly assured Mrs. Fite that the fire companies have more than sufficient lengths of hose to run approximately a mile or more.

Supervisor Manfredi agrees with Mr. Ragomo that as the Township's elected representatives, the Board has the responsibility to thoroughly investigate the situation and assist with resolving the problem. He believes that the Fire Marshal and the Code Enforcement Officer must immediately begin investigation of the building inspection and Use and Occupancy Permits issued for every dwelling in Longleaf Estates. Supervisor Manfredi also believes that Mr. Taylor and Mr. Jenkins must establish contact with Heritage on a regular basis, with communications no more than a week apart to determine their progress. Further, Supervisor Manfredi suggested the Township engage the Hilltown Authority Manager in discussions to address the issues of flushing the lines and the possibility of correlation with surges in water pressure.

Chairperson Bennington also suggested an investigation into the Statewide Building Code superceding the Township's Ordinance in April of 2004, which resulted in the revocation of the Sprinkler Ordinance. Solicitor Grabowski commented that this may not be a decision to be made by the Township. There may very well be 20 or 30 different private insurance companies involved who provided coverage based upon the fact that sprinkler systems are operating in those dwellings. Mr. Ravert was told by his insurance company that any of the homeowners who have disconnected their sprinkler system should advise the Silverdale Fire Company of that fact. A lengthy discussion took place.

24. Mr. Michael Maltby of 450 Longleaf Drive offered the sprinkler system in his home for inspection by Heritage's expert. Mr. Maltby noted that there is a pressure reducer on the main water supply but not on the sprinkler system. Mr. Wargo advised that most plumbing fixtures are rated between 40 and 60 lbs. of pressure. Sprinklers, on the other hand, are more complicated and are designed for a specific range of pressure. Mr. Maltby asked the Supervisors to poll other municipalities to determine if it is a Code requirement to have a pressure reducer on these systems. Discussion took place.

25. Mrs. Christa Grenda of 483 Longleaf Drive believes there should be pressure reducers installed on the systems in every home in the Longleaf development, and feels there should have been some type of uniformity when the sprinkler systems were installed.

Lengthy discussion took place regarding the anti-freeze solution. Mr. Jenkins explained that there should be food-grade glycerin used in the systems, not a true anti-freeze as you would put in your vehicle.

The Supervisors directed Mr. Jenkins and Mr. Taylor to begin immediate review of the inspection reports for each of the 80 homes in the Longleaf Estates Subdivision, and to gather the email/ mailing addresses and phone numbers of those homeowners in order to keep them informed of the progress that is being made. Mr. Jenkins will provide the homeowners with some educational material regarding sprinkler systems, as well as the Code, and inspection issues as he and Mr. Taylor progress in review of the Township files.

***Chairperson Bennington called for a ten-minute recess at 9:40PM.**

***9:50PM – Chairperson Bennington adjourned the regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 23, 2005 at 9:50PM in order to enter into the advertised Public Hearing to consider the adoption of an Ordinance amending various sections of the Subdivision/Land Development Ordinance.**

F. PUBLIC HEARING – Since the complete proposed Ordinance amendment itself consisted of approximately 14 pages, and would have been an astronomical advertising cost, Solicitor Grabowski prepared a summary of the amendment, which was advertised in the Doylestown Intelligencer on May 6, 2005 and May 13, 2005, pursuant to the Municipalities Planning Code. A copy of the advertisement and the complete Ordinance was filed with the Bucks County Law Library, the Daily Intelligencer, and the Municipal Office. Mr. Wynn provided a brief overview of the various sections of the proposed amendments.

With respect to Section 140-7.General Procedure, B.4, which states “Hilltown Township Staff Consultation – Prior to the preparation of any plans, it is recommended that prospective developers consult with the Hilltown Township staff, including the Manager, Engineer, and Solicitor, concerning general Township submission procedures, zoning issues, and subdivision and land development issues,” Supervisor Manfredi suggested that additional language be inserted to require advance notification of the meeting, as well as the requirement for a a timely written report of that meeting to the Supervisors. Discussion took place. Mr. Wynn and Solicitor Grabowski advised that those types of requirements could be considered a policy decision or as part of the Fee Schedule. Chairperson Bennington commented that the staff currently does alert the Supervisors, at a public meeting, that a sketch plan meeting has been scheduled once the developer provides the Township with a \$500.00 escrow, which in his opinion is sufficient. Solicitor Grabowski reminded the Board that any substantial change made to the language in this Ordinance would require re-advertising, which is very costly. Further, the draft has gone through the review process twice with the Township Planning Commission and the Bucks County Planning Commission. Supervisor Manfredi suggested that the following language be added to that paragraph, as noted below:

“Prior to the preparation of any plans, it is recommended that prospective developers, **with prior notification of the Board of Supervisors**, consult with the Hilltown Township staff, including the Manager, Engineer, and Solicitor, concerning general Township submission procedures, zoning issues, and subdivision and land development issues.”

Public Comment:

1. If a prospective developer does not consult with the other boards or commissions, Mr. Joe Marino of Redwing Road wondered how they would get to the next step in the review process. Chairperson Bennington advised that a developer could simply submit a sketch or preliminary plan without going through a staff meeting or even a board consultation process, since it is simply “recommended” not required.

2. Mr. Jack McIlhinney of Broad Street believes what Supervisor Manfredi is referring to was a discussion at the Planning Commission meeting, where the Commission suggested that developers disclose their proposed plans in an earlier time frame, provided there was a guarantee that the Township would not amend Ordinances during the plan approval process.

It was Supervisor Manfredi’s understanding that it is a pre-submission conference that is being recommended. In the past, he recalls the Park and Recreation Board or Open Space Committee requested the opportunity to review proposed subdivisions prior to the plans being submitted, just as the Township staff does. Mr. McIlhinney advised that the impetus for pre-submission meetings came about because when Plumstead Township was faced with a very large development, the developer wanted to insure that the Ordinances did not change while the lengthy pre-submission meeting process was taking place.

3. Mrs. Sandy Williamson, who is a member of the Open Space Committee, agreed that the Township should encourage sketch plan meetings, which would provide all parties with the opportunity to state their opinions in order to get the best possible use for the property. She also referred to page 5 of the proposed Ordinance Amendment, regarding the requirement for an information packet that shall be included with the submission to the Township at the time application is made for subdivision/land development. Mrs. Williamson suggested that as much detail as possible be included in the information packet, including an inventory of the natural resources. Mr. Wynn explained that an inventory of the natural resources is included on the preliminary plan itself, and would not necessarily be included in the information packet. He noted that the information packet referred to in Section 140-10, subsection B is actually a preliminary plan requirement, and not a sketch plan requirement. Further, Mr. Wynn advised that a sketch plan is not a mandatory submission. Supervisor Manfredi believes that the

Planning Commission also requested that an application checklist be submitted with the preliminary plan. Mr. Wynn reiterated that the purpose of the Township Staff consultation meeting is for the developer to consult concerning broader issues, such as general Township submission procedures, zoning issues, and subdivision/land development issues; not necessarily sketch plans.

4. Mrs. Sandy Williamson pointed out a typographical error on page 7, Section 140-26.D. Item #1, which should state "Cannabis sativa, commonly **known** as marijuana."

5. Mr. Harry Mason of Morgan Lane referred to page 6, Section 140-11, subsection B.(1)(h), and asked how a developer would demonstrate to the Township that the project can provide adequate water supply and wastewater disposal. Mr. Wynn replied that if the site is to be served by public water, a letter from the servicing Authority would be sufficient. Planning Modules would have to be approved by DEP to demonstrate wastewater disposal availability.

6. Mrs. Sandy Williamson of the Hilltown Open Space Committee, felt it was a good idea to require recreational open space to be designated as lawn, and that open space which is not recreational be planted with trees to reforest. She advised that there is another option for open space, which is to leave it as a "meadow," which would require minimal mowing. Mr. Wynn stated that there is open space in the Longleaf Estates Subdivision that has been designated as meadow, but unfortunately, many of the surrounding residents complain that the area is not mowed as lawn. Supervisor Manfredi suggested that residents whose properties abut open space areas be notified during the building permit process.

7. Referring to the temporary turnaround cul-de-sac bulb, Mrs. Marilyn Teed of Mill Road believes that the shape of the island in the middle should be in the shape of a circle, not in the shape of a teardrop. Discussion took place.

Mr. Wynn noted that "Street Regulations" was revised to require screening and berms along property lines where there are reverse-frontage lots in order to buffer them from the street. Supervisor Manfredi referred to Section 140-28, Subsection I, a portion of which states "Berms shall undulate with a height varying from two (2) feet to six (6) feet." Supervisor Manfredi wondered how this would address the road grade with respect to the visual. For instance, Supervisor Manfredi stated that due to road grade, an undulating berm might need to be 8 ft. high in order to screen a development from the road. Mr. Wynn advised that the language would have to be changed quite a bit to address that issue.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2005-1, amending Chapter 140 of the Subdivision**

and Land Development Ordinance for various sections as noted above. There was no further public comment.

Chairperson Bennington adjourned the advertised Public Hearing and the regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 23, 2005 was reconvened at 10:40PM.

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

1. Solicitor Grabowski presented Sanitary Sewage Maintenance Agreements (Peat Filter Option 1) for the Patel Minor Subdivision located near Rt. 309 on Mill Road.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Sewage Maintenance Agreements (Peat Filter Option 1) for the Patel Subdivision. There was no public comment.

2. Solicitor Grabowski advised that a decision has been rendered in the Teed lawsuit, copies of which have been emailed to the Board of Supervisors.

3. Some revisions are required to the Ordinance codification chapter on traffic, which is presently underway with the Township staff.

4. Supervisor Manfredi advised that the Township currently has an existing Cable TV Franchise Agreement with Comcast, which is set to expire in 2006. He is aware that several area municipalities have joined together to learn more about the fiber optic installation that Verizon is doing in certain locations. Solicitor Grabowski explained that this group of municipalities, which he believes includes Perkasio and Dublin Boroughs, is thinking of hiring a consultant to advise them while sharing the cost involved. Discussion took place. The Supervisors directed Mrs. Seimes to obtain additional information on this subject.

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

1. Sunoco Land Development (Preliminary) – Mr. Wynn advised that the applicant had cancelled their appearance this evening, and noted that an extension was received until June 30, 2005.

2. Miller Tract Subdivision (Preliminary) – The Planning Commission recommend conditional preliminary plan approval to this three lot subdivision located at the intersection of Schultz Road and Keystone Drive. The plan proposes two new building lots at 3 acres each, with Lot #3 containing an existing dwelling and pond. The

Planning Commission also recommended approval of all waivers as noted within the April 29, 2005 engineering review.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary plan approval to the Miller Tract Subdivision, pending completion of all outstanding items as noted in the April 29, 2005 engineering review. There was no public comment.

3. Supervisor Manfredi asked the status of the Aichele Subdivision Planning Modules. Mr. Wynn explained that since it is a minor subdivision, the Planning Modules are simply signed by the Township Secretary and Zoning Officer, and does not require adoption of a Resolution by the Board of Supervisors. He also noted that the applicant did not submit the required fee to DEP. Supervisor Manfredi asked Mrs. Seimes to contact the applicant to advise of the fee. He is very aware of the difficulties that were experienced with the Bucks County Department of Health with respect to this project, and would like to assist with expediting the Planning Module process.

I. ENGINEERING: None.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mr. Hans Sumpf of 9 Beverly Road asked the status of the Hilltown Chase Subdivision. Mr. Wynn advised that the developer was found in default and the Township continues to monitor the progress on completion of improvements.

L. SUPERVISOR'S COMMENTS:

1. Chairperson Bennington congratulated Mrs. Diane Telly and Mr. Jack McIlhinney on their recent election victories.

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

N. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the May 23, 2005 Hilltown Township Board of Supervisors Meeting was adjourned at 10:54PM.

Respectfully submitted,
Lynda Seimes
Township Secretary

