

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, December 27, 2004
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:36PM and opened with the Pledge of Allegiance.

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

Chairperson Bennington announced that the Board met in Executive Session on both December 20, 2004 and prior to tonight's meeting in order to discuss personnel and real estate issues. He also advised that Mr. Lippincott would not be in attendance this evening due to illness.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the November 22, 2004 Supervisor's Meeting – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the November 22, 2004 Supervisor's Meeting, as written. There was no public comment.

C. CONFIRMED APPOINTMENTS:

1. Mrs. Jackie Walker – Bed and Breakfast Zoning Inquiry – Mrs. Walker of 956 Bypass Road owns the Stone Ridge Farm Bed and Breakfast and was present to discuss the bed and breakfast industry as a whole. She presented a report based on a survey of 52 communities by PAII with respect to recent trends in bed and breakfast facility zoning. Mrs. Walker stated that the industry is growing by leaps and bounds, and noted that in 1980, there was a total of only 1,000 bed and breakfasts in the entire United States, yet in 2004, there are now 1,200 bed and breakfasts in the state of Pennsylvania alone. She advised that there is a greater acceptance of B & B's, which has led to an increase in regulation where none previously existed. Mrs. Walker commented that restricting the number of guest rooms is not a realistic measure of the impact on a neighborhood. The difference between 100 and 150 rooms is significant, however the difference between 6 and 10 rooms, in Mrs. Walker's opinion, is inconsequential to a neighborhood, but crucial to an innkeeper. She stated that the break even point is 6 to 8 rooms prior to debt service, and 8 to 10 rooms with debt service. Mrs. Walker suggested

that placing a limit on the number of guest rooms might be more realistic if a Conditional Use Permit were also available for the owner to petition for their own specific situation. Further, she feels that restricting bed and breakfast establishments to the Rural Residential District only is unnecessarily limiting. It is Mrs. Walker's opinion that a particularly valuable historic property located in the Village Center Zoning District would be most appropriate for the development of a quiet business such as a bed and breakfast. Mrs. Walker stated that public acceptance of B & B's is high, with a 99% approval rating by their neighbors. She noted that B & B's make great neighbors as the travelers are quiet and theft is rate is low with the innkeeper and staff on site during the day while many in the neighborhood are at work. Bed and Breakfast establishments also make use of local trades and businesses, with an average of \$20,000 to \$40,000.00 spent per room for initial renovations. Ten bed and breakfast establishments with 10 bedrooms each would require more staff than a 100-room hotel, and would use local trades people for the initial work and maintenance whereas a large hotel would not. A bed and breakfast also stabilizes the community's tourism and travel industry by providing another choice for lodging, and also provides lodging in areas where a tourist site is not amenable to commercial hotels and/or motels. Over 90% of bed and breakfasts are located in a building over 75 years old. Mrs. Walker feels that converting and restoring historical buildings would bring business to the area. While the Township is in the process of reviewing the Township's Subdivision/Land Development and Zoning Ordinances, Mrs. Walker encouraged the Supervisors to consider revising the rules and regulations to be more realistic to coincide with the trends in the bed and breakfast industry. A lengthy discussion took place. The Supervisors directed Mrs. Walker to provide this information to the Hilltown Planning Commission and the Bucks County Planning Commission for review and comment.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road commented that there are four people on the Planning Commission who she believes are extremely anti-business, and suggested that the Supervisors take that into consideration when hearing their comments regarding Mrs. Walker's proposal.

2. Mr. Chris Canavan – Cinnabar Farms Subdivision – Following discussion at the December 13, 2004 Supervisor's Worksession Meeting, Mr. Canavan provided a report from the Piedmont Environmental Group regarding the potential impacts of on-site systems versus public sewers with regard to the proposed Cinnabar Farms Subdivision. This report attempts to quantify the environmental concerns raised by the East Rockhill Township Board of Supervisors with regard to installing 23 on-site systems at the site, particularly due to the proximity of the east branch of the Perkiomen Creek. As previously discussed, there are two sub-watershed drainage areas that flow through the site to the east branch of the Perkiomen Creek. Currently, there are approximately 8 to 9

on-site systems within those 2 drainage areas that serve existing households. With the construction of the Cinnabar Farms Subdivision, that would increase the number to approximately 31, with the 22 new systems that would be installed at the site. In addition to the environmental report provided by Mr. Canavan, it is his understanding that East Rockhill had forwarded a letter regarding their willingness to take dedication of and be responsible for the maintenance of the detention basins and open space. The letter from East Rockhill Township also addresses the accessibility of that open space for both Hilltown and East Rockhill Township residents alike.

Mr. Canavan noted that the study from Piedmont Environmental Group indicates that with the long-term maintenance and operation involved with on-site systems, the extension of public sewer would be the preferred alternative to serve the Cinnabar Farms site. The applicant has received conditional preliminary plan approval for alternative on-lot systems to serve the site. Mr. Canavan reminded the Board that on-lot systems do require a certain amount of maintenance. The alternative systems that have been proposed, which include several AB systems in addition to the traditional sandmound systems, require a more active management by the homeowners, as well as the execution of operation and maintenance agreements with the Township. If the subdivision were connected to the public sewer line, however, Mr. Canavan noted that those responsibilities would be taken from the homeowner and placed in the hands of a Municipal Authority who would be more appropriately equipped to handle it. Discussion took place.

Chairperson Bennington advised that the Township has not yet received the correspondence from East Rockhill Township. Further, the Board does not believe that the Piedmont Environmental correspondence dated December 22, 2004 addresses the environmental effect on the watershed, which was specifically requested by Supervisor Manfredi at a previous meeting. Since this request had not initially come from the applicant, but rather through the Board at East Rockhill Township, Supervisor Manfredi believes East Rockhill should provide the requested information, and the environmental impact study must be provided by the applicant before the Board of Supervisors can consider and render a decision on this request. Chairperson Bennington and Supervisor Egly agreed. Mr. Canavan will provide the requested information for discussion at a future meeting.

3. Mr. and Mrs. Joseph Marshall – Home Occupation Permit Inquiry – Mr. and Mrs. Joseph Marshall of 11 Pinewood Lane were in attendance to discuss the recent issuance of a Home Occupation Permit to their neighbors by the Zoning Officer, Mr. Lippincott, on December 10, 2004. The Marshall's believe that their neighbor, Mr. Gambino, was in violation of several areas of the Zoning Ordinance when this Home Occupation Permit was issued by the Township.

Mrs. Marshall advised that she and her husband appeared before the Supervisors on November 8, 2004 to discuss the graffiti on their neighbor's fence, as well as the operation of an illegal home occupation by their neighbor. One day last week, Mrs. Marshall was stunned to see that a permit had been issued and was posted on the Gambino's mailbox. At the time of permit issuance, Mrs. Marshall stated that Mr. Gambino was in non-compliance with several requirements for a home occupation. She noted that this surveying business is being operated in an accessory building in excess of the allowable 25% of the footprint of the building. Mr. Marshall stated that in reality, the neighbor is utilizing 77% of that accessory building for his business. He noted that Mr. Gambino, by his own admission, uses two vehicles for his business. The neighbor is also in violation of the permitted number of employees, one of which is Mr. Gambino's father, who does not reside at the residence. Mrs. Marshall then phoned Mr. Lippincott, who advised that at the time of his visit to the site, which was while the survey crew was out on a job, only one work vehicle was present. Mrs. Marshall noted that there are three employee vehicles regularly parked in front of the home, and she believes that all three of the employees, including Mr. Gambino's father who does not live in the home, should be considered as employees and not "family" according to the definition of "employees" in the Ordinance. According to the permit application submitted by Mr. Gambino, only a very small room on the second floor of the accessory building is dedicated to this home occupation, though Mr. Marshall is aware that the home occupation is being conducted in a much larger area of the building. Mr. Lippincott indicated to Mrs. Marshall that he had not taken independent measurements of the building itself and that he had relied upon the applicant's sketch submitted with the permit application when granting the Home Occupation Permit. Mr. Marshall presented photographs of Mr. Gambino's employees eating lunch in his driveway, and noted that the accessory building provides no restroom facilities for the employees, as required by the Ordinance. Mr. Marshall also has photos of the employees using the accessory building doors as a loading dock to carry wood in and out of the building. Some of the photos presented were taken over the Thanksgiving holiday, when Mr. and Mrs. Marshall had houseguests. At 5:12AM on the Friday morning after Thanksgiving, Mr. Gambino ran both work vehicles for 42 minutes, while parked directly next to the Marshall's window, an event that Mr. Marshall tape-recorded as evidence.

Further, Mr. Marshall was told by Mr. Taylor, the Code Enforcement Officer, that he has the right to appeal the issuance of this Home Occupation Permit at any time, however Mr. Lippincott had advised Mrs. Marshall that they should appeal the permit as quickly as possible. Mr. Marshall was very upset that he must pay a \$500.00 Zoning Hearing Board fee to appeal a Home Occupation use that has been illegally operating for almost 4 years.

Mrs. Marshall explained that she and her husband had tried to address this issue with their neighbor in a civil manner some time ago, but it was only after Mr. Gambino spray painted and defaced the fence dividing their property that the Marshall's complained to

the Township of the illegally operated home business. Mrs. Marshall feels that by the issuance of this permit, Mr. Lippincott has effectively empowered this very belligerent individual, and she now fears that her family will face many more acts of harassment in the future.

Supervisor Manfredi spoke with Mr. and Mrs. Marshall last week, however he has not had the opportunity to speak with Mr. Lippincott this past week due to various circumstances. He advised that the Supervisors realize there are many questions that must be answered with respect to the function of the Zoning Officer while review of this permit application was carried out. Supervisor Manfredi explained that the Supervisors will look into the issues raised by Mr. and Mrs. Marshall this evening. Mr. Marshall noted that the deadline for appeal of this permit is January 8, 2005. Solicitor Grabowski stated that the Board of Supervisors is ruled by the Municipalities Planning Code, which is a state law. The Zoning Officer is charged with interpreting zoning law. Whether or not Mr. Lippincott rightly or wrongly issued this Home Occupation Permit can only be argued and debated before the Zoning Hearing Board, not the Board of Supervisors, who cannot unilaterally override the Zoning Officer's decision. It is Solicitor Grabowski's opinion that the Marshall's would have to file an appeal within 30 days of the issuance of the permit. If Mr. and Mrs. Marshall feel strongly that the decision rendered by Mr. Lippincott was incorrect, Solicitor Grabowski advised them to appeal it to the Zoning Hearing Board. While he agreed that it is expensive to pay a filing fee to appeal the issuance of this permit, Solicitor Grabowski noted that unfortunately, that is the only remedy the law provides for, unless Mr. and Mrs. Marshall can convince Mr. Lippincott to revoke that permit. Mrs. Marshall had indicated her displeasure to Mr. Lippincott with paying the \$500.00 Zoning Hearing Board fee to appeal a permit that she feels never should have been issued in the first place, and Mr. Lippincott's response was "Somebody's got to pay." Therefore, Mr. and Mrs. Marshall asked the Board to waive the \$500.00 filing fee. Supervisor Manfredi assured Mr. and Mrs. Mrs. Marshall that the Board would provide them with an answer prior to the January 8, 2005 deadline for appeal. He stated that this issue becomes a matter for the Board of Supervisors who are ultimately responsible for every employee, and reviewing what that employee did or did not do from a personnel perspective, and from an Ordinance compliance aspect.

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

1. Solicitor Grabowski presented the Traynor Lot Line Adjustment Declaration of Road Frontage Easement Resolution for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-46, accepting the Traynor Lot Line Adjustment Declaration of Road Frontage Easement.** There was no public comment.

2. Solicitor Grabowski advised that the developer for the Heritage Executive Campus has offered dedication of the required public improvements to the Township. The Township Engineer has reviewed and signed off on all issues, except that of the requirement for a revised Pedestrian Pathway Easement Agreement, which required an extension due to the field changes that occurred during the construction process. The developer has executed an additional Pedestrian Path Easement Agreement and an Agreement of Modification, which provides for an escrow of funds for the 18-month maintenance period by way of a bond in the amount of \$65,590.24, as well as the soft costs, which have been posted via cash with the Township, in the amount of \$7,287.81. Mr. Wynn explained the reason for the field changes during the construction of the pedestrian pathway, caused by the installation of the sewer line extension.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept dedication of the Heritage Executive Campus, and approve commencement of the 18-month maintenance period, as noted above. There was no public comment.

3. A decision has been reached from the Commonwealth Court in the case of the Estate of Anna Miketta versus Hilltown Township. Solicitor Grabowski explained that the Miketta family had filed a court action in Bucks County Court against the Township's Stormwater Management Ordinance, which was adopted some time ago. The Bucks County Court found in favor of the Township, and the Miketta family then chose to file an appeal to the Commonwealth Court, who issued a decision on December 20, 2004 in favor of the Township, dismissing the case entirely. The Miketta family could file a petition with the Pennsylvania Supreme Court to ask them to consider an appeal, however Solicitor Grabowski does not believe that would be successful.

4. Solicitor Grabowski advised that a Tactical Team is being formed with several Central Bucks municipalities, including Hilltown Township. He and Chief Engelhart have been working on the proposed draft Ordinance, which will be forwarded to the Supervisors for review prior to advertising for Public Hearing. Chief Engelhart noted that the proposed Agreement is essentially the same that was in effect with the now disbanded Upper Bucks Tactical Team. He explained that this team would essentially handle high-risk warrant service, barricaded gunmen situations, etc. Discussion took place.

5. The Supervisors previously authorized Solicitor Grabowski to file a petition in Bucks County Court for approval under Act 91 to allow for the possibility of a tax increase of the Real Estate tax millage. The petition required court approval for an additional .65 mills under the General Fund provision of the Township Code, .8 mills for Park Maintenance, and .8 mills for Road Equipment. Solicitor Grabowski advised that

the hearing was held on December 22, 2004 in front of Judge Mellon at which time he issued a court order approving those tax increases for Hilltown Township.

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

1. Seidel Land Development Waiver Request – The Planning Commission unanimously approved a motion to recommend waiver of submission of land development for a proposed 1,244 sq. ft. building addition located at 3425 Bethlehem Pike. The motion to approve the waiver request was conditioned upon the Township receiving an escrow to guarantee installation of five deciduous and two evergreen trees as shown on the plan, and the Township receiving a fee in-lieu-of stormwater management, as noted in the engineering review dated November 19, 2004.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the waiver of land development submission for the Seidel Land Development, pending the receipt of an escrow to guarantee installation of five deciduous and two evergreen trees as shown on the plan, and the receipt of a fee in-lieu-of stormwater management, as noted in the engineering review dated November 19, 2004. There was no public comment.

2. Smith Tract Subdivision (Final) – The Planning Commission unanimously approved a motion to deny the final subdivision plan based on non-compliance with items noted in the review of the Sewage Facilities Planning Module/Act 537 Revision contained within the engineering review correspondence dated October 21, 2004; and non-compliance with items noted in the engineering review correspondence dated December 3, 2004. The applicant advised that a revised Sewage Facilities Planning Module addressing issues noted in the engineering review dated October 21, 2004 was submitted to the Township on December 13, 2004, after the deadline for submission of Planning Commission meeting agenda items. The applicant agreed to grant the Township a 30-day extension in the timeframe to act on the Planning Module application. The current timeframe for review of the final plan expires on December 30, 2004.

Mr. David Shafkowitz, the applicant's legal counsel, was in attendance to present the plan and to explain the scenario that took place to cause the Planning Commission's recommendation for denial of the plan with respect to the Sewage Facilities Planning Module. He noted that the plan submitted by the applicant with the Planning Module package was incorrect, showing the wrong grading plan. Discussion took place. Supervisor Manfredi asked what the Planning Commission's recommendation for denial was based upon. Mr. Wynn replied that it was based on the Planning Module submission being incorrect and incomplete, and upon the outstanding items as noted in the December 3, 2004 engineering review.

Mr. Shafkowitz explained that concrete sidewalk is proposed along Rickert Road to the northern property boundary. To accomplish this extension a proposed box culvert was extended six feet beyond the back edge of the sidewalk. An existing drainage channel identified as Waters of the United States must be modified on-site as well as within the adjoining parcel TMP #15-28-121 owned by the O'Neil family. The preliminary plan approval required extension of the sidewalk if Mrs. O'Neil would grant the necessary easement. However, at the Planning Commission meeting of November 15, 2004, Mrs. O'Neil indicated that she did not desire to grant an easement for this activity, and accordingly, the plan will be revised to identify roadway improvements, including the termination of the concrete curb 25 ft. from the property line. The applicant has agreed to provide a fee-in-lieu of donation to the Township for the costs of the improvements that would not be installed along the site frontage adjacent to the O'Neil parcel.

Discussion took place regarding the issue of the Planning Module. Rather than grant piece meal approval to the plan this evening, Chairperson Bennington would prefer that the applicant obtain a recommendation for approval from the Planning Commission after they have reviewed the revised plans and the Planning Module submission. Supervisors Egly and Manfredi agreed. The applicant granted a 30-day extension for review of the plan, and the plan was tabled.

3. Oskanian Tract Subdivision (Final) – The applicant contacted Mr. Wynn this afternoon to cancel the appearance on the agenda this evening.

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

1. Pompei Subdivision Extension – An extension in the timeframe for completion of required improvements has been requested by the applicant until May 15, 2005. Mr. Wynn explained that some of the improvements are being coordinated with not only the on-lot construction, but also activity being conducted by the Public Works Department on Seven Corner Road.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize an extension in the timeframe for completion of the required improvements for the Pompei Subdivision until May 15, 2005, as noted above. There was no public comment.

3. Souder and Souder Subdivision – Required improvements have been completed, and Mr. Wynn recommended acceptance and commencement of the 18-month maintenance period.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the required improvements and to authorize

commencement of the 18-month maintenance period for the Souder and Souder Subdivision, as noted above. There was no public comment.

G. MANAGER'S REPORT –

1. At the December 13th meeting, Mrs. Alice Kachline requested that the Supervisors write a letter to the Board of Elections in support of moving the Blooming Glen I Voting District from the municipal building to the Pennridge Full Gospel Tabernacle Church located in the village of Blooming Glen.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize a letter to be forwarded to the Board of Elections in support of moving the Blooming Glen Voting District from the Hilltown Municipal Building to the Pennridge Full Gospel Tabernacle Church, as noted above. There was no public comment.

2. Tax Collection Contracts authorizing the collection of Earned Income/Open Space Taxes by Berkheimer Associates was presented to the Board for consideration. Mrs. Leslie commented that the current contract with Berkheimer expires on December 31, 2004. Supervisor Manfredi was not comfortable with making a motion to authorize the execution of this contract without it being reviewed by the Township Solicitor. If no action is taken this evening, Chairperson Bennington reminded him that the current contract expires on December 31st, and would therefore effectively leave the Township without an officially sanctioned and approved tax collector for a period of three days, which makes absolutely no sense to him. Supervisor Egly commented that this contract is exactly the same as the previous agreement. Given the conversations the Board had regarding tax collection issues through the budget process and meetings with Berkheimer, Supervisor Manfredi just wants to be certain that the requests the Board previously made of Berkheimer have been included in the agreement. A lengthy discussion took place. The Supervisors agreed to table the authorization of the tax collection contracts with Berkheimer Associates for consideration at the January 3, 2005 Reorganization Meeting.

3. A request was received from Mr. Kirk Schafstallar for a sketch plan review and meeting with Township staff for a possible two lot subdivision of his property on Park Road. The required \$500.00 escrow was submitted.

4. A Zoning Hearing Board application has been received from Barness Land Development for properties located at Keystone and Schoolhouse Roads for construction of a single-family detached cluster subdivision on a property currently being used as an auto salvage yard. The applicant requests a variance from Section 502 of the Zoning Ordinance to allow less than the minimum required open space.

Supervisor Manfredi requested that Mr. Lippincott prepare a report of the net effect the granting of this zoning variance would have on the property.

5. The Souderton Fire Company Fire Protection Agreement was available for the Board's signature following this meeting.

6. The Open Space Committee is changing their regular meeting date from the second Tuesday of every month, to the first Tuesday of every month beginning at their February meeting.

H. CORRESPONDENCE -

1. Correspondence has been received from Shirley Meyers, a Township resident, interested in applying for a vacancy on the Park and Recreation Board.

2. Correspondence has been received from Faye Riccitelli of 515 Hilltown Pike, expressing interest in leasing a portion or all of the Township-owned land obtained recently through the Hilltown Ridge/Reserve at Hilltown Subdivision. Mrs. Riccitelli knows that the existing fence along Hilltown Pike is quite an eyesore, which she would be willing to correct by installing a secure, attractive fence. She would also be willing to seed and maintain that land for her use while assuming full liability.

I. 2005 BUDGET APPROVAL - Copies of the proposed 2005 Budget were available for review of those in attendance. Mrs. Lorraine Leslie, Township Treasurer, advised that Hilltown Township is proposing the increase of Real Estate taxes for the first time since 1994. As mentioned earlier this evening, the increase would include .65 mills for General Fund purposes, .8 mills for the Park and Recreation Fund, and .8 mills for the Road Equipment Fund. These increases would raise approximately \$450,000.00 in additional Real Estate taxes for the Township. Mrs. Leslie explained that this tax increase would cost the average property owner an additional \$86.00 per year in Real Estate taxes. By comparison, the Pennridge School District has raised the Real Estate taxes by 140 mills in the same time period, and Bucks County has raised the Real Estate taxes by 21 mills in the same time period. Using that equation, Mrs. Leslie noted that is an additional \$1,300.00 per year in school taxes, and an additional \$201.00 per year in Bucks County taxes, as compared to the \$86.00 in Township taxes. Some of the items driving these tax increases are primarily increased insurance costs, with approximately \$180,000.00 in increased medical, property, liability, and automobile insurance. There is also an additional \$140,000.00 for the paving of roads. Roads planned to be paved in 2005, though subject to change, include Bypass Road, Moyer Road, Seven Corner Road, Narothyn Road, Bricks Way, Audrey Lane, Beverly Road, and Pheasant Hill Road. There is also an additional \$60,000.00 in the proposed Budget for replacement of highway equipment for the Public Works Department, as well as \$178,000.00 in

contractual salary increases for the Police Department and Public Works Department only. The Fire Fund and Debt Service taxes remain unchanged. The Fire Fund is designated exclusively for use by the volunteer fire companies and their operations, and the Debt Service Fund is used exclusively for the reduction of debt. The Liquid Fuels Budget revenues are provided by the Commonwealth of Pennsylvania from the gasoline tax, which the state specifically spells out what these funds can and cannot be spent on. In 2004, a truck was purchased with these funds. Primarily paving will be paid for from this fund in 2005. For the first time in history, Hilltown Township is dedicating specific tax revenues to relieve the pressure on the General Fund. Equipment will be purchased in 2005 out of the new Road Equipment Tax Fund, including the replacement of a 1984 pick-up truck, which will no longer pass inspection, and the replacement of a 1987 dump truck. The new Park and Recreation Tax will be used to fund the maintenance of Township parks and open space. Mrs. Leslie stated that it is important to note that both the Road Equipment Tax and the Park and Recreation Tax are new taxes, but not new expenses. These expenses were formerly contained within the General Fund. Mrs. Leslie explained that the Township's Real Estate taxes represent only 6% of the total tax bill. If the Pennridge School District and Bucks County raise taxes again in 2005, Mrs. Leslie commented that number will actually decrease to less than 6%.

The Earned Income Tax, currently at 1.75% for Hilltown Township residents, breaks down as follows:

- 57% to the Pennridge School District
- 29% to Hilltown Township for General Fund purposes
- 14% to Hilltown Township for Open Space purposes.

All funds sourced from Real Estate Taxes breakdown as follows:

- 51% to the Police Department
- 25% to the Public Works Department
- 10% to the Administrative Department
- 14% to Miscellaneous, which includes Legislative, Emergency Management, Building Maintenance, etc.

In conclusion, Mrs. Leslie stated that Hilltown Township uses a variety of funds to provide services to all of its residents. Of all the funds discussed, it is important to note that the budgets being adopted this evening are funded as follows:

- 79% generated by the General Fund and EIT Taxes
- 7% generated by Debt Service Taxes
- 3% generated by Fire Fund Taxes
- 5% generated by Liquid Fuels, which are revenues supplied by the Commonwealth of Pennsylvania
- 3% generated by the Road Equipment Tax Fund
- 3% generated by the Park and Recreation Fund

Chairperson Bennington asked how much the EIT income was underestimated for 2004. Mrs. Leslie replied that the figure was underestimated by approximately \$100,000.00, and noted that part of the problem is that the North Penn School District adopted the EIT tax for the first time, as did Montgomery Township, and therefore, any tax revenues Hilltown Township had been getting in the past, will now go there. Supervisor Manfredi asked if the increase in Worker's Compensation Insurance was the largest of the insurance cost increases, and Mrs. Leslie agreed that it is. Chairperson Bennington noted that the Worker's Compensation costs will continue to be high since the Township is funding Officer Kane for as long as he is unable to work. Mrs. Leslie commented that the Township is currently covered for Worker's Compensation insurance by the State, and therefore negotiation of those rates is not an option.

Public Comment:

I. Mrs. Jackie Walker of 956 Bypass Road asked if the Township employees pay toward their health insurance. Mrs. Leslie replied that employees currently pay 10% of the premium costs toward their health insurance, which are contractual. Mrs. Walker suggested that the Township consider asking employees to pay a higher percentage rate during contract negotiations.

Motion was made Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to adopt the 2005 Budget, including General Fund in the amount of \$4,477,127.00, Fire Fund in the amount of \$153,301.00, Park and Recreation Fund in the amount of \$169,350.00, Road Equipment Fund in the amount of \$160,000.00, Debt Service Fund in the amount of \$513,261.00, and State Highway Aid Fund in the amount of \$278,870.28. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mr. John Clauser of Minsi Trail asked if the Board would be meeting with the East Rockhill Township Supervisors with respect to the Cinnabar Farms Subdivision, and if so, if that meeting would be open to the public. Chairperson Bennington explained that there would be no meeting with the East Rockhill Board of Supervisors, rather the Supervisors had directed Mr. Canavan to provide a letter from East Rockhill, to include the requested information.

2. Mrs. Mark Signore of 2925 Peachtree Drive read the following correspondence into the record, which follows:

“This letter is to inform you of an incident that occurred on our property on November 14, 2004. At approximately 3:30PM a bullet came through the exterior rear wall of our home, continued across our living room, entered a second wall and then lodged into the wall of our coat closet. Because the bullet caused damage to our home and missed hitting one of us by a matter of feet, we immediately contacted Hilltown Police, who responded very promptly. In the course of the investigation, the Officer divulged that the bullet had come from another citizen’s property. Further, we were told that this citizen has permission to discharge firearms in the Township. This concerned us considering that the Police Report states ‘The newly constructed houses on Peachtree Drive are directly behind the backstop of the range the gentleman has constructed, and the Signore residence is directly in line with that range.’ We did a little research to look into the Ordinances of Hilltown Township, which do say that it is illegal to discharge any firearm within the Township of Hilltown except under several conditions, one of which is target shooting, which appears to be what this gentleman was doing, however target shooting is prohibited unless conducted in a ‘safe and reasonable manner.’ There are several restrictions with this regulation, one of which is that no projectile should cross any property line.”

Mr. and Mrs. Signore hopes that the Township might take some action regarding this issue, perhaps to insure that this particular range is dismantled. Mr. and Mrs. Signore requested that this gentleman’s permit be revoked, considering that residential dwellings have now been constructed within the area of the shooting range, and suggested that the Township should consider revisiting the issue of target shooting on private property.

On December 1, 2004, Chief Engelhart explained that a certified letter was sent to this gentleman advising that the shooting range on his property must be shut down, which to his knowledge has occurred. Supervisor Manfredi suggested that Chief Engelhart visit the site to insure that the range has been shut down. Chief Engelhart explained that it is simply a matter of this gentleman not using the existing earthen backstop. A lengthy discussion took place. In the December 1, 2004 correspondence, this gentleman was advised that if this behavior continues, the Police Department would cite him for the Ordinance violation, which would be in the form of a fine. Further, if there is a threat to human life, there can be criminal prosecution. Chief Engelhart noted that this particular shooting range had been in operation for approximately 30 or 40 years.

Mr. John Clauser of Blue School Road advised that there is a dirt mound range on a property located behind his home, and he has experienced bullets flying right over his home from target shooting at this range. Discussion took place.

Mrs. Jackie Walker of Bypass Road noted that her neighbor was once target shooting for a three-hour period, after which time she contacted the Police Department and was told that there is no Ordinance in place to prevent this from happening. Chief Engelhart

explained that the Police Department does not physically inspect target practice sites, nor do they license those facilities. Mrs. Walker then called her neighbor to complain of the incessant shooting, who responded by saying "this is a free country." Chief Engelhart commented that the act of target shooting, even for a three hour time period, is not considered an illegal act.

Chairperson Bennington asked how the Township can prevent a similar situation from taking place again. Chief Engelhart explained that when the Police Department is notified, they would obviously investigate to determine whether the facility is safe and complies with the NRA requirements for a shooting range. Chairperson Bennington asked if it would be possible to ban shooting range, at least within the development district. Solicitor Grabowski reminded the Board that this very issue was addressed approximately five or six years ago, when a proposed Firearm Discharge Regulation Ordinance was voted down. If someone has experienced problems with a specific range where they believe target shooting is being done in an unsafe manner, Chief Engelhart noted that it should be reported to the Police Department. Due to the lack of an Ordinance, the Police Department does not have the authority to investigate private shooting ranges without a complaint being filed. Supervisor Manfredi suggested the Board once again consider a Firearms Discharge Ordinance for the development district or other areas of the Township.

Mr. Phil Bergey of 2527 Peachtree Drive is a neighbor of the Signore's, and was standing approximately 15 ft. away from the area when the incident took place. He reminded the Board that a 30-caliber bullet can travel for miles, and suggested that perhaps the caliber of a weapon should be regulated, rather than regulating target shooting. Supervisor Manfredi wondered if bullet type could be considered in a draft Ordinance. Chief Engelhart does not know, but agreed that the Township could review model Ordinances from other municipalities. He advised that the Ordinance in effect at this time is rather bland and allows individuals to continue to target shoot, with certain restrictions. Supervisor Egly is aware that the Game Commission has prohibited the use of high-powered rifles in this area, however to his knowledge, they have not regulated target practice on private property. Discussion took place.

Mrs. Sandy Williamson of Mill Road suggested that Chief Engelhart review the existing Ordinance and advise what the current regulations are with respect to target shooting. There is a range on private property near her home, which does not present any imminent danger to the surrounding residents, but is more of an annoyance. Chief Engelhart commented that the regulations in the current Ordinance require that anyone who target shoots must do so safely with a proper and sufficient backstop to halt a projectile.

3. Ms. Victoria Halliday owns and is in the process of renovating the former cigar factory in the village of Blooming Glen. With respect to issue of public sewer and

the Cinnabar Farms Subdivision, Ms. Halliday understands that a public sewer lines runs through Blooming Glen, however she was told that there was no capacity available to connect the building she and her husband are currently restoring. Mr. Wynn does not know if there is capacity available, however he noted that the Cinnabar Farms Subdivision site is located in the service area of a different Authority than Ms. Halliday's property. He explained that the village of Blooming Glen is served by the Hilltown Township Water and Sewer Authority, but the Cinnabar Farms site, if it were approved for public sewer, would be served by the Hilltown Authority with the sewage itself being treated at the East Rockhill Township Treatment Plant where capacity is still available.

Ms. Halliday is aware that the Township passed a referendum for open space and is aware that the Supervisors are interested in preserving the rural environment. She believes that one of the few tools a municipality has to discourage development is to deny requests to extend public sewer into the RR District, and therefore does not understand why the Supervisors are even considering the developer's request. Ms. Halliday feels the developer should be required to install on-lot systems, which in her opinion as a landscape architect, is actually more environmentally sound. Mr. Wynn noted that the proposed on-lot systems are alternative A/B systems, not the standard sewage disposal systems, and commented that the Cinnabar Farms site does not perk for conventional systems. When Ms. Halliday was going through the permitting process for the renovation of her building, she was told that if capacity for proper stormwater management facilities was not available, she would not be able to meet the parking requirements. Ms. Halliday encouraged the Board to prevent development of the Cinnabar Farms site by not permitting the extension of public sewer, particularly from another municipality. Supervisor Manfredi commented that East Rockhill Township made this request because some of their residents live within the watershed that is downstream from the proposed septic systems, and they fear that 20+ on-lot systems that naturally drain into the watershed may affect the health, safety, and welfare of those residents. A lengthy discussion took place.

4. Mrs. Jean Bolger of Rt. 152 attended the last Planning Commission meeting where the Cinnabar Farms proposal was discussed. She wondered why the Township would even consider extending public sewer to this site due to the large, vacant parcels that surround it and the potential for additional development because of it. Mrs. Bolger commented that if Hilltown Township allows public sewer to serve that site, it would open a "Pandora's Box" for all those surrounding properties to be developed. When Mrs. Bolger moved to Hilltown 28 years ago, the only option for sewer was the standard sewer system. Mr. Wynn explained that A/B systems were approved for use by DEP either last February or the year before. He agreed that at one time, only the standard sand mound system was available, and then came the advent of spray irrigation systems, small flow treatment facilities, and other alternative systems. Mr. Wynn stated that it is now DEP's position that every site can be built upon. Discussion took place.

5. Mr. Walter Drill of 2515 Hilltown Pike asked if there has been any progress with regard to the stormwater runoff from the Deep Run property that was brought to the Board's attention seven weeks ago. Supervisor Manfredi recently read correspondence from Mr. Wynn stating what he believed would have to be done and the cost estimate to make those improvements. He believes that there should be a meeting with Mr. Wynn, the Township Manager, representatives of Deep Run, and PennDot, since Supervisor Manfredi is still not satisfied that PennDot has not done everything they can to deal with the drainage problem. Mr. Drill advised that Deep Run installed a grate at their end of their driveway, however the stormwater runoff problem continues. Supervisor Manfredi commented that PennDot controls the vast majority of water that flows down Callowhill Road, and there are many, many pipes from property owners along Callowhill Road that flow into the PennDot ditch lines. Now that the Board has an idea of the cost involved to begin addressing the problem, Supervisor Manfredi feels that PennDot should be forced to step up to the plate. The Supervisors asked Mrs. Seimes to instruct the Township Manager to hold a meeting with Mr. Wynn, PennDot, and Deep Run, prior to the end of January, to report on what PennDot is willing to do to assist with the problem and what can be done. Chairperson Bennington visited the site when Deep Run installed the grate, and noticed that every driveway pipe along Callowhill Road is clogged shut with debris, which would impede the flow of any stormwater runoff and would direct that runoff directly into the roadway. Mr. Drill stated that those driveway pipes were opened, however they do clog quickly with leaves and other debris. He personally cleaned out all of his neighbor's driveway pipes in an effort to help the situation.

Mr. Drill is aware of the \$165,000.00 to 175,000.00 worth of improvements Deep Run is proposing to the open space property they lease from the Township, and that they have approved the expenditure of \$10,000.00 to \$12,000.00 for an engineering study of land that they do not even own. He is very upset that Deep Run would spend that money when their own land is desperately in need of improvements to address this very serious stormwater issue, which affects the neighboring property owners. Supervisor Manfredi personally discussed this same issue with one or two individuals at Deep Run. It is becoming very clear to Supervisor Manfredi that the Township and private organizations must better coordinate park and recreational activities and open space, perhaps through grant money to fund a recreational coordinator. The Supervisors will continue to pursue the matter of stormwater runoff as described above.

Mr. Hans Sumpf of Beverly Road, president of Deep Run, does not believe anything can be accomplished from another meeting with PennDot, and he would not commit to whatever recommendation might come out of such a meeting. Supervisor Manfredi reminded Mr. Sumpf that there is a responsibility to correct the runoff problem. Mr. Sumpf had contacted PennDot when Deep Run was ready to install the grate, and was told that no permit was required. At that time, PennDot indicated that they were still

working on the problem. Mr. Sumpf commented that Deep Run was fortunate that someone donated the cost of the grate and other material that was installed on their site.

When Deep Run first started in 1969, Mr. Sumpf noted that there were approximately 100 families participating, yet now their membership has grown to over 2,200 families. Many people have suggested that Deep Run cease accepting new memberships, however Mr. Sumpf does not believe that is what Deep Run is about. As far as Deep Run losing a soccer field for the construction of a stormwater detention basin on their property, Mr. Sumpf stated that to install a large enough stormwater detention basin at that location would eliminate property that is actively being used for baseball, softball, and soccer year round. To eliminate a highly used playing field at the Deep Run site, without having another location to accommodate that play field, does not make sense to Mr. Sumpf. Chairperson Bennington was under the impression that Bedminster Township had agreed to provide Deep Run with approximately 11 to 12 acres of playfields in conjunction with the large TH Properties development that is being constructed in Bedminster. Mr. Sumpf advised that Bedminster is providing one playfield for Deep Run's use, however much of that land is being used for the sewer plant area of the development.

Mr. Sumpf wished to clarify that Deep Run did not spend \$10,000 to \$12,000.00 for the engineering study. Rather, that engineering study was done for a reasonable price by one of Deep Run's members. He noted that in 1969, the Deep Run property was surrounded by a berm from the road to the rear property line, which contained a great deal of runoff, however the berm was eroded, and that runoff now flows through the area and between the second and third dwelling along the road. Mr. Sumpf stated that Deep Run would consider building up that berm a bit so that water does not flow between the second and third dwelling along the road. He is hoping to avoid any impact to the established playing areas. To divert funding for proposed playfields to fix something that has been happening since the beginning of time because water runs downhill does not seem feasible to Mr. Sumpf. He advised that Deep Run does not have the funds to pay for another engineering study at the cost estimated by Mr. Wynn because it is not feasible to require additional funding from their membership. Deep Run obtained all the necessary permits for any improvements made to their property, and the membership does not feel the stormwater issue is all their responsibility to correct. He is willing to wait for the Township to take the lead on this problem with PennDot, at which time Deep Run would address the proposed recommendation. Mr. Sumpf hopes that the installation of the grate at the exit will help to prevent the water from flowing at that exit point.

6. Mr. Hans Sumpf of 9 Beverly Road supports the extension of public sewer to serve the Cinnabar Farms Subdivision, which may be better for the future residents of that subdivision in the long term. Discussion took place.

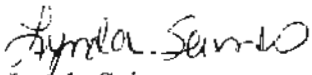
L. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi asked if Solicitor Grabowski has made any progress with respect to the issue of fire suppression rates being charged to the residents of the Village of Dorchester by the Telford Borough Authority. Solicitor Grabowski advised that he was not directed to proceed in that matter.

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 regularly scheduled meeting of December 27, 2004 of the Hilltown Township Board of Supervisors was adjourned at 9:52PM.

Respectfully submitted,


Lynda Seimes
Township Secretary