

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, November 22, 2004
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:30PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr. – Vice-Chairperson
Richard J. Manfredi – Supervisor
Gregory J. Lippincott – Township Manager
Christopher Engelhart – Chief of Police
Francis X. Grabowski – Township Solicitor
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 real estate and personnel.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES -- Action on the minutes of the October 20, 2004 Budget Worksession Meeting – Supervisor Manfredi noted the following correction to page 2, third paragraph, last sentence, which should state “Supervisor Manfredi commented that he would not be willing to cut one dollar from the Police Department Budget, **and reduce the level of service until every other alternative is explored.**”

Motion was made by Supervisor Manfredi, and seconded by Supervisor Egly, to approve the minutes of the October 20, 2004 Budget Worksession Meeting, as corrected. Chairperson Bennington abstained from the vote since he was not present at that meeting. There was no public comment.

Action on the minutes of the October 25, 2004 Supervisor’s Meeting – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the October 25, 2004 Supervisor’s Meeting as written. There was no public comment.

C. CONFIRMED APPOINTMENTS:

1. Mr. William Benner – Guttman Tract Zoning Issues - Mr. Benner, the applicant’s legal counsel, Mr. D’Angelo, the applicant, and Mr. Scott Mills, the applicant’s engineer, were in attendance to present the plan. Mr. Benner explained that over the past several months, the applicant, D’Angelo Construction, has been meeting with the Planning Commission concerning its plan to subdivide the 80-acre Guttman

property located on Green Street. Three existing homes are proposed to remain on the site. The applicant is hoping to formulate a plan that captures the property's development potential, while respecting its environmental features. This effort has resulted in the design of a planned subdivision proposing 45 single-family dwellings arranged in a cluster that provides for a minimum lot size of 20,000 sq. ft.

Although the Planning Commission and other boards, including the Park and Recreation Board and the Open Space Committee, have generally endorsed the cluster concept, the property's underlying zoning, Rural Residential, would not authorize the development in the manner the applicant proposes. Mr. Benner noted that the Cluster option allows for a 30,000 sq. ft. minimum lot size, however the open space ratio, when combined with the 30,000 sq. ft. minimum cluster lot size, results in a disincentive for a property owner to use the RR Cluster option. Mr. Benner believes the Guttman property can support 45 single-family dwelling lots, however the Cluster option would result in a yield of only 36 lots. The applicant is hoping to pursue development of the property utilizing the Cluster option, but to do so would require either relief from the Zoning Hearing Board or an amendment to the Zoning Ordinance. Concerning the matter of Zoning Hearing Board relief, Mr. Benner is concerned about the absence of "legal hardship." Specifically, if a property owner can develop an 80-acre tract with 45 otherwise conforming single-family dwelling units, he would be hard pressed to point to a legal hardship. On the other hand, Mr. Benner commented that the property is unique in its physical characteristics that might provide a basis for the Zoning Hearing Board to grant a dimensional variance to reduce the minimum cluster lot area from 30,000 sq. ft. to 20,000 sq. ft. Mr. Benner would prefer an amendment to re-zone the property from its RR classification to an existing zoning classification that would authorize a cluster option, or in the alternative, a text amendment to the RR District in the Zoning Ordinance that would allow for a cluster option suitable to the Guttman property.

Chairperson Bennington was under the impression that the Planning Commission was split on the issue of the Cluster option. Mr. Benner agreed that the Planning Commission did split their recommendation, but it was not specifically on the concept of clustering. Rather, the Planning Commission appeared to take issue with the precise design of the Cluster plan. The graphic on the screen before the Board this evening is one of several Cluster concepts that were presented to the Planning Commission. It was Mr. Benner's understanding that if this project were to move forward on a Cluster plan, the future appearances before the Planning Commission will be to reach consensus on the precise plan design. Chairperson Bennington clarified that the applicant could achieve 45 lots by-right with a 50,000 sq. ft. lot configuration, which would provide for no open space. With the cluster option, the same 45 lots could be achieved, however approximately 50 acres of open space, or 60% of the site, would be provided. Chairperson Bennington advised that the problem with rezoning this property to either CR-1 or CR-2, is that the door would be opened for other types of dwelling units, such as apartments or

townhouses, even though this applicant is seeking a subdivision for single family dwellings. Supervisor Manfredi asked if a natural features inventory has been conducted on the site. Mr. Benner replied that as part of the sketch plan review. Extensive calculations and existing features inventory was conducted and reviewed by the Planning Commission and the Township Engineer. He explained that the natural resources inventory is actually what drove the yield on the by-right plan. It is Mr. Benner's contention that the plan before the Board this evening respects the natural resources of the site, and minimizes the intrusion into those areas in a far more significant way than a by-right development would. Supervisor Manfredi asked if the applicant has considered additional buffering, with perhaps an undulating berm to screen and shield those homes from Green Street. Mr. Benner replied that scenario has been one of the several options that have been discussed with the Planning Commission, and the applicant's engineer has prepared concept sketch plans showing a similar design. Supervisor Manfredi supports conservation land use design, and supports design that would buffer communities from an existing roadway and reduce the number of driveway cuts. However, he would not support amending the Zoning Ordinance, unless the Supervisors review the entire Rural Residential Zoning District and the entire conservation land use design.

It appears to Mr. Benner that the Board has some consensus toward the Cluster option. If that is the case, he believes that the mechanism to accomplish this goal would be through an appearance before the Zoning Hearing Board, and asked if the Supervisors would be willing to lend their support, perhaps through the Township Solicitor and Engineer, through zoning criteria that both Hilltown Township and the applicant can endorse. Supervisor Manfredi cannot say what position he would take with respect to supporting an application before the Zoning Hearing Board, however he can state that he is a supporter of natural resource conservation and conservation land use design.

While Supervisor Egly agreed with the Cluster concept, he is opposed to the number of driveways shown along Green Street. Supervisor Egly would support a well-buffered undulating berm along Green Street with the homes moved further back from Green Street, as suggested by Supervisor Manfredi, if the some of the driveways were removed.

Given the choice between 45 dwellings on 50,000 sq. ft. lots with no open space, or 45 dwellings on 20,000 sq. ft. lots with 60% of open space, Chairperson Bennington would obviously favor the Cluster option. However, he cannot dictate the mechanism with which the applicant moves forward with the Cluster option.

Solicitor Grabowski believes that the zoning issue should be resolved before the Board considers any plan for development of the Guttman Tract. Mr. Benner agreed, noting that the preliminary plan was submitted with a letter specifically requesting exemption of review of the zoning issues, and requesting that the Township Engineer confine his review to the Subdivision/Land Development issues only. Discussion took place.

Solicitor Grabowski encouraged the applicant to allow the Supervisors a period of time to digest the information presented, and suggested that the applicant provide a written extension to re-institute the 90-day review period for the plan that has been submitted. Supervisor Manfredi does not want the applicant to take his statement of support for various conservation options as an endorsement to proceed in one direction or another. Nor would Supervisor Manfredi want to remove the Planning Commission's ability to review something of this magnitude and he certainly would not want to take away the ability of the Board of Supervisors to determine whether or not they would consider the decrease of lot size from 30,000 sq. ft. to 20,000 sq. ft. Further, Chairperson Bennington commented that the Zoning Hearing Board is a separate entity that would be making its own decision based upon the Zoning Ordinance. Mr. Benner assured the Board that the only matter that would be pending before the Zoning Hearing Board, if the applicant chooses to proceed in that direction, would be an application to "relax" the minimum lot size requirements under the Cluster option, subject to any additional conditions that this Board and the Planning Commission may deem appropriate. Discussion took place.

Public Comment:

1. Mr. Jack McIlhinney, representing the Hilltown Landowner's Association, is not certain that the entire Planning Commission was in agreement that 45 lots for this parcel were by-right. He believes that 45 lots were feasible if every lot possible was utilized on the acreage. What is not being considered is the fact that the existing owner is retaining some of those parcels, which would affect the lot yield. Further, Mr. McIlhinney objected to the applicant's request to amend the Zoning Ordinance, noting that if the requirement for Rural Residential Zoning with 50,000 sq. ft. or 30,000 sq. ft. lots is good for one property, it should be good for all.

2. Ms. Dena Roman of Oak Drive in Silverdale Borough, who is a great proponent of open space, lives adjacent to this property. She urged the Board to consider the water and sewer implications, as well as the traffic and density concerns that would be exacerbated by this development. Ms. Roman would hate to see the existing, charming character of Green Street and Hilltown Township destroyed by a development of this magnitude.

***8:12PM – PUBLIC HEARING - Chairperson Bennington adjourned the regularly scheduled meeting at 8:12PM in order to enter into a Public Hearing to consider an Ordinance regulating the use of motorized dirt bikes and all-terrain vehicles.**

Solicitor Grabowski explained that the reason this proposed Ordinance was drafted was due to complaints that were received regarding abuses by some dirt bike/ATV riders. Those complaints then generated a petition that was filed by several Township residents requesting that action be taken. The Supervisors then directed Township staff to consider

what other municipalities have done to provide regulations for use of these vehicles, at which time the staff collectively prepared the proposed Ordinance. This proposed Ordinance was appropriately advertised in the Doylestown Daily Intelligencer, and has been available for review here at the Municipal Building, at the Doylestown Intelligencer, and at the Bucks County Law Library, as required by law.

Solicitor Grabowski read the proposed Ordinance. Section 111-1 deals with Legislative Intent, Section 111-2 provides definitions, Section 111-3 prohibits the use of motorized dirt bikes and/or ATV's on lots of less than three acres in size, Section 111-4 provides for specific rules and regulations establishing riding areas, dust/noise control measures, noise emission, number of riders permitted, hours of operation, location of permitted use, and operation of vehicle, etc. Section 111-5 refers to exemptions, Section 111-6 provides for enforcement, Section 111-7 lists Violations of Penalties, and Section 111-8 notes that the Ordinance would take effect five days following enactment.

Chief Engelhart advised that the Police Department received numerous complaints regarding noise, dust, and property damage against individuals operating dirt bikes and/or ATV's without regard for their neighbors, at all hours of the day and night. He noted that other jurisdictions in the area, such as Towamencin and Warwick Townships, have adopted similar Ordinances. Chief Engelhart stated that this proposed Ordinance is not meant to restrict the rights of those who lawfully operate their vehicles on their own property with consideration of their neighbors; rather it is meant to restrict those that do not consider their neighbors. The 3-acre lot minimum appeared to be a standard in the model Ordinances that were considered.

Chairperson Bennington is not trying to make light of the complaints received or the petition that was signed by residents who were being abused by someone who was not using common courtesy, however he would bet that a majority of people present this evening do follow the rules and are wondering why they should be punished for the actions of less considerate individuals. Chief Engelhart explained that Ordinance was drafted because there is no specific law in place that permits the Police Department to deal with these types of complaints. Chairperson Bennington wondered if there was any way, using the Ordinances that are in place today, to satisfy the residents who have complained, but would allow individuals to ride their ATVs or dirt bikes, while still protecting those residents who have suffered these abuses. Unless the Supervisors would add language to the existing Nuisance Ordinance that would be specific to ATV/motorbike use, Chief Engelhart does not see how this type of an Ordinance could be avoided. Chairperson Bennington asked how many complaints have been received by the Police Department. Chief Engelhart believes that approximately 9 complaints have been received in the last six months.

Solicitor Grabowski suggested that a committee be established, which would act as a type of self-enforcement, to research and discuss possible reasonable regulations for the Board to consider with respect to the chronic violators who would ruin things for everyone.

Public Comment:

1. Mr. Ray Garges of 407 Quarry Road suggested that the Township construct an ATV/dirt bike track on one of their open space parcels. Further, he feels that the nine people who filed complaints should talk to the individuals who are breaking the rules, and not punish the rest of the riders who are not.

2. Mr. Jason Smith of 102 Pheasant Hill Road commented that the other municipalities Chief Engelhart cited, such as Towamencin and Warwick, are what he considers little cities, while Hilltown Township is not. Recently, two age-restricted communities were constructed near his home, which limits the areas where he can ride his ATV. There were numerous occasions during the construction of these communities where builders were working on-site until midnight, and Mr. Smith commented that nothing was done about that noise disturbance.

3. Mr. Jeff Messina of 217 Rickert Road lives on a two-acre parcel, and according to the proposed Ordinance, would be prohibited from using his ATV on his own property. He presently uses his quad to plow his driveway and clear his yard, yet he would be forced to sell his ATV if this Ordinance were to be adopted.

4. Mr. Joe Cameron, an ATV factory representative from Wisconsin, commented that only nine complaints about ATV's in 180 days should speak for itself. He reminded that Board that ATV's are registered with the Department of Conservation and Natural Resources, and must therefore abide by certain restrictions. Mr. Cameron feels that the focus should be on education, rather than punishing the rider. Because of DCNR, several ATV manufacturers have agreed upon conditions with the Federal government to educate customers at the time of purchase. He suggested that the dealers in the area should be educating their customers, and then following it up by enforcing the restrictions that are currently in place by DCNR.

5. Mr. Jackson Wenhold of 1030 W. Rt. 313, lives on a one-acre lot, and has been a resident for 53 years. He owns a three-wheeler that his wife purchased as a birthday gift in 1983, which he uses to sweep his lawn and plow his driveway. If this Ordinance were to be adopted, Mr. Wenhold would be forced to sell his ATV because he could not use it on his own property, according to the new regulations.

6. Mr. Ken Aiani of 2027 Broad Street read from a prepared statement, which follows: "I am an avid motocross rider and enthusiast. Over the past years, I spent

countless hours and thousands of dollars working on my own motocross track. I am here to protest the Ordinance. My track is set on 3.5 acres, with 40 trees around the perimeter and a sprinkler system. I'd like to know if there is going to be a grandfather clause for the tracks that have already been built before the bill was implemented. In Hilltown, houses are required to meet certain restrictions on the septic systems, but aren't required to fix them until a house is sold. Since this precedence has been set, will it be the same for this bill? For my school graduation project, I chose to build a motocross track. I worked all summer to earn the money for the dirt and construction equipment. I spent all my free time working on this track. Should this bill be passed, it would effectively close my track and I will have no graduation project to present. The Fifth Amendment states that the government shall not deprive any person of life, liberty, or property, however the said bill would deprive me of using my property how I choose to use it. This is America land of the free. The requirements of the bill are overly burdensome and absurd. My funds are depleted from building the track that was legal at the time it was built. The money I would need to spend to comply with the bill is out of bounds with the fact that it is a privately owned recreational track used by only me and my close friends. In order to comply with such outrageous requirements, I'd have to open the track to the public and charge admission, which I can't do. Since I am not a commercial business, the money I spent on this is not earned back and I don't recoup any of the money. Why is our current Noise Ordinance not enough? I'm sure this has worked for Hilltown for years. 60 decibels on a property line – why do we have to test each bike at the 20 inches from the exhaust tip? I know my bike is below 99 decibels, but I'm sure my lawn mower is a lot louder. Would this mean that a person has to mow their lawn for two hours and then stop for an hour? The answer is no. This is a discriminatory bill aimed at a small number of people. It is not fair to single out ATV and dirt bike riders when there are many other things that cause noise pollution, including construction sites, weed eaters, lawnmowers. Why do we need a separate law for off-road riders? What about 18-wheelers and cars with loud exhaust? Why is the current Noise Ordinance not enough? If it is noise pollution, why can't it be handled under our current law? What happened to equal protection under the law? Having special requirements for off-road riders is a breach of Amendment 14. How do you plan on enforcing this? Will the Township be testing everyone's land and each and every bike? What about bikes that come for the day from another Township? Will you come out every day and test every bike? Or are you going to come out only when a complaint is made? So if I have sensitive neighbors, and this is enforced to me, but somebody else who has no neighbors can be as loud as they want and kick up as much dust as they want. How is that fair? How do you provide equal and fair enforcement? In closing, this bill is unfair and unconstitutional. It infringes on our right to use our property how we want, and it is impossible to fairly enforce. I am respectfully asking for this bill not to be passed. Thank you."

7. Ms. Sue Halloway of 40 Reliance Court is one of the nine individuals who registered a complaint with the Police Department. She explained that the reason she and

her neighbors voiced their complaints was because the noise was constant and unreasonable. Through mediation by the Hilltown Police Officer the evening the complaint was filed, Ms. Halloway and her neighbors were able to talk to the rider. An agreement was reached, and she was very happy that everyone had come to an understanding. Ms. Halloway explained that her neighbor was riding for hours on end until 10:00 or 11:00 almost every night of the week. She is glad that she came this evening, because now she can see how it affected others. Ms. Halloway understands that perhaps the proposed Ordinance needs to be toned down a bit, or maybe even incorporated into the Nuisance Ordinance. She hopes that the Supervisors will consider some sort of regulations, particularly in the densely populated area along the Rt. 309 corridor, where she resides.

8. Mr. Kevin Lewis of 815 Blooming Glen Road has been riding for 20+ years, and agrees that common sense must be used when operating ATV's or dirt bikes. He stated that everyone must respect the rights of others, and suggested that compromise be considered if residents are experiencing problems with their neighbors. Mr. Lewis's 8-year old son rides ATV's and it brings him, as a father, great satisfaction to watch his son enjoy this sport. He feels that the proposed Ordinance is too restrictive and is a violation against resident's rights. Chairperson Bennington commented that there are individuals who do not respect the rights of others. Mr. Lewis agreed, noting that a violator should be punished, however not every ATV or dirt bike rider violates the rights of others.

9. Mr. Tim O'Neill of 1612 Broad Street was arrested approximately one year ago for trespassing while operating an ATV on the PP&L power line property, though he feels he was unfairly targeted by the Hilltown Police Department, since he was riding on a neighbor's driveway, for which he had permission to ride. Mr. O'Neill believes this proposed Ordinance is just another way for the police to target innocent, law-abiding citizens. He does not agree with any part of this Ordinance. Further, Mr. O'Neill wondered what riding dirt bikes or ATV's has to do with "public health and safety."

10. Mr. Eric Nask of 410 E. Reliance Road is the individual Ms. Halloway spoke about earlier. His six-acre property is surrounded by condominium complexes near the Rt. 309 corridor, and he admits that he rides his quad as often as possible. Mr. Nask, who has resided in Hilltown for over 20 years, cannot understand why his neighbors, many of whom have not lived in the Township for very long, complain about him having fun on his own property. Mr. Nask noted the requirement in the proposed Ordinance to water down unvegetated riding areas in order to limit dust would create a very dangerous situation for riders and the surrounding areas. Mr. Nask retired from his job with the City of Philadelphia after ten years and moved to this area to relax and enjoy himself, however he now feels as though he is being stifled for having fun. He admitted that his neighbors have complained about him for riding his quad, however it is the children of those same neighbors who trespass on his property. Chairperson Bennington asked if Mr. Nask also

respects the rights of his neighbors. Mr. Nask replied that he does, and that when his neighbors finally spoke to him about the situation, a compromise was reached.

11. Mrs. Lorraine Poirier of 418 Fairhill School Road was once an ATV rider, however now she just enjoys watching her grandchildren ride on their property. She opposes the proposed Ordinance, and hopes that the Supervisors will reconsider. Mrs. Poirier noted that the record number of individuals in attendance tonight speaks to the fact that they love what Hilltown has to offer, and urged the Board not to take that away from them.

12. Mr. Ted Tuz of New Britain Township apologized to Chief Engelhart who, while just doing his job, seems to have taken the brunt of the negative feelings expressed this evening. Mr. Tuz believes that it should not have to come to the adoption of such a restrictive Ordinance to ban what many individuals obviously enjoy doing, when it appears that compromises can be made between neighbors. He referred to the existing Nuisance Ordinance and suggested that the perhaps those requirements should be strengthened to provide the Police Department with the means to regulate a majority of the complaints about ATV riders. Mr. Tuz feels that individuals need to be more considerate of others and encouraged them to be responsible when riding their ATV's and/or dirt bikes. He owns and races a motocross bike, which he maintains on a regular basis. Living on less than three acres, Mr. Tuz noted that he would not even be able to warm up his bike to drain the oil as recommended by the manufacturer, if this Ordinance were in effect in New Britain Township. Mr. Tuz agreed with Solicitor Grabowski's suggestion to form a committee to study and consider alternatives to this very restrictive Ordinance. If the Board of Supervisors is willing to take away certain privileges for 90% of their residents, Mr. Tuz suggested that an ATV/dirt bike track be provided and constructed on Township-owned open space.

13. Mrs. Janet Schultz of Endslo Lane owns approximately an acre of ground, and owns 100 acres in the mountains on which she and her family ride ATV's. She feels terrible for the individuals who have been affected by those who behave poorly. Mrs. Schultz does not believe that a majority of those present this evening are violators, and does not feel everyone should be punished for the actions of a few. She advised that ATV riders should use common sense by avoiding installation of the very loud after-market exhaust systems, and should consider their neighbors while riding on smaller tracts of land. Mrs. Schultz volunteered to serve on a resident committee if such a board is formed.

14. Ms. Azlyn Beck of 514 Keystone Drive wondered what the ATV riders could do to help the Supervisors make the situation better, so that the riders can continue enjoying themselves. Ms. Beck suggested that a riding track be created on a parcel of Township-owned open space, which would also generate revenue for Hilltown.

15. Mr. David Poirier, the son of Lorraine Poirier who spoke earlier, recently moved to 418 Fairhill School Road with his wife and three young children. He thanked the Supervisors for listening to the comments of all of these avid riders this evening. Mr. Poirier's daughters have been riding quads since they were five years old and his son has been riding a motorized dirt bike since he was 2 ½ years old. He asked the Board to reconsider some of the very restrictive regulations in the proposed Ordinance. Mr. Poirier commented that his mother takes a great deal of enjoyment in watching her grandchildren ride together as a family. He hopes that the Board would be open to forming a resident committee so that the voice of the people who are trying to promote this sport can be heard.

16. Ms. Tammy Poirier of 418 Fairhill School Road stated that she and her family recently moved from a ½ acre lot to a 3-acre parcel in order to have more land to ride. She feels it would be unfair to place a 3-acre minimum on riding. Another regulation that concerns Ms. Poirier is limiting the number of riders permitted to no more than three, which would prohibit both her family and her friends from riding together.

17. Mr. Ben Link of 2118 Hilltown Pike is privileged enough to have over 20 acres of land to ride on. He commented that the proposed property size limit, and buffering requirements appear very excessive. Mr. Link urged the board not to punish all ATV riders for the irresponsible actions of a few.

18. Mr. Joe Marshall of 11 Pinewood Lane advised that his neighbors start up their quad at 6:30AM every morning, approximately 60 ft. from his bedroom window. He suggested that the Noise Ordinance should be reinforced to address these issues.

19. Mr. Andy Detweiler of Perkasio Borough recently purchased a 12-acre property, along with an additional 10, on Welcome House Road in Hilltown Township, with the intent for he and his children to ride ATV's. He was lucky enough to grow up on a 50-acre property on Hilltown Pike. Mr. Detweiler is acquainted with someone who lives next to a person who is abusing riding privileges. He noted that the law at present states that riding is permitted from sun up to sun down, and therefore, no laws are being broken by the individual that Mr. Marshall just cited. Mr. Detweiler stated that part of country living includes sights, sounds and even smells that may not appeal to everyone, and commented that if someone doesn't like it, they should sell their home and move back to the city.

Mr. Detweiler agreed with an earlier suggestion to create a track or trails for ATV/dirt bike riders in the area, and encouraged the Supervisors to begin enforcing the existing Nuisance/Noise Ordinance requirements.

20. Mr. Mike Russell of Fairhill Road commented that the proposed Ordinance simply provides guidelines for the Police Department to enforce. He believes that the reason the Supervisors proposed this Ordinance is because there are no specific rules in place regulating the use of ATV's, which means those riders can pretty much do whatever they want, which is not fair to all residents.

21. Mr. Pete Pollack of Skunk Hollow Road moved to Hilltown Township from New Britain Township and intends to utilize the 50 acres behind his home for his children to ride their quads. When he was a kid, people tolerated him riding his motorcycle on the perimeter of their property, and he now does the same with a local youngster who rides along the perimeter of his property. Mr. Pollack would much rather have neighborhood kids riding their ATV's or motorcycles on the 50 acres behind his home, than to have a developer construct 28 homes on that property.

22. Mrs. Dawn Eberle of 520 Skunk Hollow Road lives on a less than 3-acre property and is opposed to the Ordinance. She has three young children who ride quads, and according to the regulations in this Ordinance, the quads would have to be sold. Further, her son's friends would no longer be permitted to ride on her property because the maximum number of riders is three. Mrs. Eberle commented that her neighbor sometimes runs a leaf blower all day long, which generates a great deal of noise, yet is not regulated. She volunteered to serve on a resident committee if formed.

23. Mr. Mike Davis has owned a motocross track for the past 15 years in Perkasio Borough. Approximately 10 years ago, the neighbors voiced complaints about the track, however a compromise was reached by talking to his neighbors. He commented that people pay taxes and should be able to do what they want on their property.

24. Mr. Zekc Albright of Towamencin Township works at Montgomeryville Cycle Center, which is located in Hilltown Township. Mr. Albright stated that the proposed Ordinance was prepared from a sample Ordinance adopted in other municipalities, yet it does not appear that anyone in the industry was consulted during its preparation. Mr. Albright offered his assistance by providing material that is available, including the safety training that the industry promotes, and the noise restrictions that apply to all machines.

Chief Engelhart would not object to forming a committee to discuss this issue further as suggested by Solicitor Grabowski. He assured those in attendance that the Police Department does not want another law to enforce, however it cannot be assumed that all residents will be reasonable, which is what prompted the draft Ordinance in the first place. Discussion took place about the possible formation of a committee to determine how to further enforce existing laws, rather than embarking on the creation of a new Ordinance. The committee could then make recommendations to the Board of

Supervisors as to how to proceed to not only provide for the rights of the riders, but also to protect those individuals with valid complaints about abuse of privileges. It was determined that if a committee was formed, no more than five individuals should serve on it.

Supervisor Manfredi is certainly not in favor of taking any action whatsoever on this proposed Ordinance, and Chairperson Bennington and Supervisor Egly agreed. Supervisor Egly commented that there are four ATV's on his property, one of which he rides. Supervisor Manfredi suggested that the Board first investigate if there is an existing regulation that can be strengthened and enforced, prior to the formation of a committee. A lengthy discussion took place.

Chairperson Bennington asked individuals interested in serving on a committee, if it is determined to be necessary, to contact the Township administration office within the next few days.

***Chairperson Bennington adjourned the advertised Public Hearing and called for a brief recess at 9:34PM. The regularly scheduled November 22, 2004 Hilltown Township Board of Supervisor's Meeting was reconvened at 9:52PM.**

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

1. Due to the length of the agenda still pending, Solicitor Grabowski presented motions to accept various deeds of dedication of internal roadways for several subdivision, and Resolutions #2004-31 through #2004-43 for the Board's consideration. They are as follows:

- Resolution #2004-31 – Accepting the Declaration of Road Frontage for the Brees Highview Road Subdivision.
- Motion to accept Internal Roadways for the Orchard Hill Subdivision.
- Resolution #2004-32 – Acceptance of Deed of Dedication of Internal Roadways for the Orchard Hill Subdivision.
- Resolution #2004-33 – Acceptance of Public Purpose of Internal Roadways for the Orchard Hill Subdivision.
- Motion to accept Internal Roadways for the Lynrose Estates Subdivision.
- Resolution #2004-34 – Acceptance of Deed of Dedication of Internal Roadways for the Lynrose Estates Subdivision.
- Resolution #2004-35 – Acceptance of Public Purpose of Internal Roadways for the Lynrose Estates Subdivision.
- Resolution #2004-36 – Acceptance of 150 Acres of Municipal Open Space Deed of Dedication for the Hilltown Ridge Subdivision.

- Resolution #2004-37 - Acceptance Street Light Resolution for the Hilltown Ridge Subdivision.
- Resolution #2004-38 - Acceptance of Road Frontage Easement for the Hilltown Ridge Subdivision.
- Resolution #2004-39 - Acceptance of Municipal Open Space (Parcels C and D) Deed of Dedication for the Reserve at Hilltown Subdivision.
- Resolution #2004-40 - Acceptance of Street Light Resolution for the Reserve at Hilltown Subdivision.
- Resolution #2004-41 - Acceptance of Road Frontage Easement for the Reserve at Hilltown Subdivision.
- Resolution #2004-42 - Acceptance of Municipal Open Space (Parcel A and B) Deed of Dedication for the Hilltown Ridge Subdivision.
- Resolution #2004-43 - Acceptance of Bader Road Frontage Easement for the Reserve at Hilltown Subdivision.
- Motion to accept the Subdivision Agreement, Financial Security Agreement and multiple easements for the Reserve at Hilltown/Hilltown Ridge Subdivision.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-31 through Resolution #2004-43, as noted above**, and to approve and accept the Subdivision and Financial Security Agreements, and multiple easements for the Reserve at Hilltown/Hilltown Ridge Subdivision; to accept internal roadways for the Lynrose Estates Subdivision; and to accept internal roadways for the Orchard Hill Subdivision, as noted above. There was no public comment.

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

1. IITWSA Land Development Waiver Request – Mr. Jim Groff, Authority Manager, was in attendance to present the plan. The Planning Commission unanimously recommend a waiver of submission of land development for the proposed office building expansion/parking area for the Hilltown Township Water and Sewer Authority facilities located on Highland Park Road. The motion to approve the waiver request was conditioned upon resolution of items as contained within the engineering review dated November 8, 2004. The applicant is also seeking waiver of posting the funds for financial security to guarantee the installation of a stormwater management basin. A lengthy discussion took place. To avoid setting precedence, Mr. Groff advised that the Authority would be willing to post the financial security as requested.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant waiver of land development submission for the proposed office

building expansion/parking area for the Hilltown Township Water and Sewer Authority facilities located on Highland Park Road. There was no public comment.

2. Rubel/Wright Subdivision (Final) – The lot consolidation/minor subdivision located on Fretz Road was unanimously recommended for preliminary/final plan approval subject to completion of outstanding items as contained within the November 3, 2004 engineering review, with a unanimous recommendation for approval of all waivers as contained within Item #1 of the November 3rd engineering review with a fee in-lieu-of paid for the waiver/exemption from stormwater management for the two existing improved lots. Mr. Wynn noted that Mr. Rush had recused himself from the Planning Commission during the review of this plan, since David Brooke Rush Builders is the applicant for the project.

Mr. Rush advised that these properties have been deed restricted from further subdivision. Stormwater Management facilities have been designed for the two new 10-acre lots in the rear of the site. Due to the rather poor soils evidenced through deep-hole testing, the applicant would prefer to pay a fee in-lieu-of stormwater management facilities for the two existing lots on the front of the site. Since these properties have been deed restricted from further subdivision, Mr. Rush is also seeking a waiver of the fee in-lieu-of public dedication of land suitable for park and/or recreation use. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to grant conditional final plan approval to the Rubel/Wright Subdivision/Lot Line Consolidation, pending completion of all outstanding items as contained in the engineering review dated November 3, 2004, granting a fee in-lieu-of waiver exemption for stormwater management for the two existing lots, and further granting a waiver of the fee-in-lieu of recreational land since the two new lots have been deed restricted from further subdivision. There was no public comment.

3. Split Acre Farm Sewage Planning Modules – Sewage Facilities Planning Modules have been received for an Act 537 Revision for this 13-lot subdivision located on Fretz Road. This plan previously received a conditional preliminary approval by the Board of Supervisors and is currently under review by the Planning Commission as a final plan. Planning Modules have been reviewed by the Bucks County Planning Commission, Bucks County Health Department, and Township Planning Commission with no specific comments. Thirteen lots are to be served by individual on-lot systems consisting of eight sandmounds and five A/B systems. At a minimum, the A/B systems will require execution of a maintenance agreement between the applicant and the Township. Mr. Wynn also believes that DEP will require agreements for the other eight sandmound lots since the site contains areas of “marginal soils.”

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-44, accepting the Split Acre Farm Sewage Planning Modules, as noted above.** There was no public comment.

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

1. Lynrose Estates – Remaining items have been completed at the Lynrose Estates Subdivision and the Township has received a check from Sal Lapio, Inc. in the amount of \$1,650.75 for Liquid Fuels Funding for 2005.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion of public improvements at the Lynrose Estates Subdivision, and commencement of the 18-month maintenance period as noted above. There was no public comment.

2. Orchard Hill – Improvements required within Sections I, II, III, and VI have been accomplished as required pursuant to the approved plan. Mr. Wynn recommended acceptance of completion of improvements, which include the public roadways of Applewood Drive and Cranberry Circle, however pursuant to the Subdivision Agreement executed with the Township, plowing of these streets will remain the responsibility of the developer during the 18-month maintenance period.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion of improvements for the Orchard Hill Subdivision, Sections I, II, II, and VI, and commencement of the 18-month maintenance period for those sections of Orchard Hill, as noted above. There was no public comment.

G. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. Bid proposals for Diesel Fuel, Super Unleaded Gasoline, and Heating Oil were opened on Monday, November 15, 2004 with the following results:

Bid #2004-10 – Diesel Fuel:

Farm and Home Oil Company - \$1.7250/gallon delivered

\$1.5600/gallon picked up at their pump in Telford

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to award Bid #2004-1- for Diesel Fuel to Farm and Home Oil Company for the amounts as specified above. There was no public comment.

Bid #2004-11 – Super Unleaded Gasoline:

Farm and Home Oil Company – Will offer pump price on day of pick-up, less taxes.

Since the Public Works Department does not use super unleaded gasoline, and the Police Department uses Voyager Fuel Cards that are accepted at most area service stations, Chief Engelhart recommended that this bid be denied, as no savings advantages are offered.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to reject the proposal for Bid #2004-11 for Super Unleaded Gasoline from Farm and Home Oil Company as noted above. There was no public comment.

Bid #2004-12 – Heating Oil:

Brinkers Fuels - \$1.467/gallon

Farm and Home Oil Company - \$1.6400/gallon

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to award Bid #2004-12 for Heating Oil to Brinkers Fuels in the amount of \$1.467 per gallon as specified above. There was no public comment.

2. The Dublin, Sellersville, and Telford Fire Companies' 2005 Fire Protection Agreements were available for signature by the Supervisors following this meeting.

3. A Zoning Hearing Board application was received to construct a 30 ft. by 26 ft. 2.5 bay garage on the Berger property located at 121 Longview Road.

II. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager –

1. Correspondence was received from WB Homes regarding their proposal for Cinnabar Farms, and the issue of the possibility of extending public sewer to the proposed subdivision. Based on the comments provided at the last Supervisor's meeting, the developer has provided the Board with additional information regarding this issue.

2. The Draft Montgomery County Water Resources Plan was received and is available for review at the Township office.

I. MYLARS FOR SIGNATURE:

1. Beres Highview Road Subdivision

J. PUBLIC COMMENT:

1. Ms. Susan Brickajlik of 2515 Hilltown Pike asked if PennDot has contacted Mr. Lippincott since the November 2, 2004 meeting at the Deep Run Valley Sports Association's property. Mr. Lippincott confirmed that he did receive a voice mail

from a representative of PennDot, however he has not directly spoken with anyone as of this date. He will contact the PennDot representative tomorrow as a follow-up.

Ms. Brickajlik asked if the Supervisors have considered the comments made by Mr. Walter Drill at a previous meeting regarding Deep Run being in violation of the Nuisance Ordinance with respect to stormwater drainage and discharge. The Board advised that they have not. Supervisor Manfredi did wonder, however, how the provision in the Nuisance Ordinance compares to the fact that Deep Run has been issued permits for the work that has been done on their site. It appears to Ms. Brickajlik that Deep Run is in violation of the Nuisance Ordinance. Discussion took place.

Supervisor Manfredi agreed that there is stormwater runoff from the property, and the Board knows that the problem must be rectified, however he does not know how those regulations are to be interpreted as it pertains to one site, since Deep Run has obtained the permits they were required to obtain prior to working on their property. Supervisor Manfredi advised that the Township Manager, Solicitor and Engineer are compiling information about the problem for the Board's consideration.

Ms. Brickajlik stated that the nature of her complaints about the stormwater runoff from the Deep Run property was not to be vindictive, because she and her neighbors do realize the value of Deep Run to this community. However, she and her neighbors are attempting to have this very serious problem rectified as quickly as possible, and they did not believe that if it were left strictly to Deep Run, that the matter would be addressed in a timely manner. Ms. Brickajlik asked for a time frame on when a plan for resolving this issue might be completed. Personally, Supervisor Manfredi believes that once all the pertinent information, with respect to PennDot's role, the aspect of the two Ordinances, and a site evaluation, has been gathered, the Board will consider what mechanism is appropriate to rectify the problem.

Ms. Brickajlik understands that Deep Run will be publishing a newsletter early in the year, and suggested that they request assistance from their organization members to consider ideas for funding or to help with obtaining grants in order to raise money to help them address the stormwater management issue.

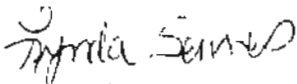
2. Mr. Hans Sumpf of 9 Beverly Road presented Chief Engelhart with a check in the amount of \$500.00 for Officer James Kane who was seriously injured by a drunk driver in August of 2004. These funds were collected from donation jars at Deep Run's athletic events. Mr. Sumpf commented that the prayers of Deep Run members are with Officer Kane and his family.

K. SUPERVISOR'S COMMENTS: None.

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

M. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the November 22, 2004 Hilltown Township Board of Supervisors meeting was adjourned at 10:35PM.

Respectfully submitted,



Lynda Seimes
Township Secretary