

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, November 8, 2004
7:30PM**

The regularly scheduled worksession 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
Thomas A. Buzby – Director of Public Works
David W. Taylor – Code Enforcement Officer
Lorraine E. Leslic – Township Treasurer

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel, real estate, and legal matters (Telford Borough Authority).

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 felt the minutes were sparse, and did not provide a flavor for what occurred at that meeting. He believes the minutes should be revised to reflect what was submitted and what was discussed that evening. Supervisor Egly agreed.

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

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated November 9, 2004 with General Fund payments in the amount of \$88,946.38, and State Highway Aid Fund payments in the amount of \$2,550.77, for a grand total of all payments in the amount of \$91,497.15.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated November 9, 2004. There was no public comment.

D. TREASURER'S REPORT – Chairperson Bennington presented the Treasurer's Report with the following balances as of October 31, 2004:

General Fund Checking	\$ 144,289.37
Payroll Fund Checking	\$ 395.84
General Reserve Fund	\$ 315,175.37
Open Space Fund	\$ 484,388.68
Fire Fund Cbecking	\$ 71,538.59
Debt Service Checking	\$ 203,407.31
State Highway Aid Checking	\$1,411,911.46
Capital Projects Fund	\$ 42,930.00

With respect to the Budget Revenue/Expense Statement, Supervisor Manfredi asked if the percentage remaining on Building Permits and Use and Occupancy Permits were expected to increase significantly by the end of the year. Mrs. Leslie believes it would increase to 50% by the end of the fiscal year.

Supervisor Manfredi noted that a number was budgeted for Fire Inspection fees, however there was no actual activity in that category. Mrs. Leslie replied that the Supervisors did not institute Fire Inspection Fees for this year, in part because the Fire Marshal was not hired until midway through the year. Mr. Lippincott noted that Fire Inspections are anticipated to begin in January of 2005.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Treasurer's Report dated October 31, 2004, subject to audit. There was no public comment.

E. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works - Mr. Buzby presented the Public Works Report for the month of October 2004; a copy of which is on file at the Township office.

Chairperson Bennington noted that the Public Works Department collects leaves that are raked onto the roadside along Township roads, but not along State highways. Mr. Buzby explained that the concern is to clear the drainage ditches along Township roadways. Further, the manpower and the amount of equipment required to collect along State highways is not available. He stated that there is a leaf drop-off site available here at the municipal building at the rear of the side parking lot until the end of December each year.

Bids were received for the purchase of Sodium Chloride, with the following results:

Cargill – NO BID
Coastal Products Co. – NO BID
Oceanport Industries, Inc. - \$72.15/ton
International Salt Co. - \$60.79/ton
Eastern Salt Co. - \$68.00/ton

Due to these extremely high bid prices, Mr. Buzby will purchase salt through the Bucks County Consortium bid at a price of \$47.83/ton from International Salt Co. As a comparison, last year's price was \$33.71/ton. Discussion took place regarding the Township's bid price received from International Salt Co. versus the Consortium's bid price received from the same vendor.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to reject all the bids for Sodium Chloride, as noted above. There was no public comment.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked what is done with the leaves that are collected roadside or dropped off here at the Township Building. Mr. Buzby replied that several local farmers use the leaves as bedding for their livestock. Mrs. Teed knows of an individual who makes and sells mulch, and suggested that the Township consider doing the same as a source of revenue. Mr. Buzby investigated the possibility of the Township being involved with yard waste recycling, however with the stringent DEP requirements, the cost involved was astronomical. Discussion took place.

F. POLICE REPORT – Chief Christopher Engelhart – Chief Engelhart presented the Police Report for the month of October 2004; a copy of which is on file at the Township office.

Supervisor Manfredi questioned the personnel hours allotted to speed details. Chief Engelhart replied that there was a decrease of hours due to personnel scheduling. Chairperson Bennington asked if any DUI checkpoints are planned through the November/December timeframe. Chief Engelhart advised there was one scheduled for Halloween weekend, however due to weather conditions, it was cancelled. That detail will most likely be rescheduled for November or December.

Chief Engelhart noted that Officer Kane continues to show steady improvement. He was released for 8-hour furlough this past Saturday, and paid a brief visit to the station. Officer Kane may possibly be released on Thursday, November 18th, though he will be required to return to the Bryn Mawr Rehab Center as an outpatient on a daily basis during the week.

Within the last month, there have been several accidents on the "S" curve on Central Avenue. Chief Engelhart and Mr. Buzby investigated the site, and discussed several recommendations for changes to be made. Mr. Buzby has installed a directional arrow for westbound Central Avenue traffic. He has also recommended the installation of a "Stop Except Right Turn" sign for eastbound Central Avenue at the "S" curve where

Hickory and Oak Streets (private roads) take access. The Police Department received reports of motorists traveling straight into those roadways without stopping. Chief Engelhart believes that sign might slow the traffic coming around the corner. There have also been reports of tractor trailers exiting the Home Depot/Hilltown Plaza site traveling into Telford Borough on Central Avenue where they experience difficulty maneuvering the "S" curves, because there is no posted sign prohibiting trucks beyond that point. Chief Engelhart requested authorization to contact the Township Solicitor to prepare an Ordinance to make these recommended changes. The Board was agreeable.

G. CODE ENFORCEMENT REPORT – Mr. David W. Taylor, Code Enforcement Officer – Mr. Taylor read the Code Enforcement Report for the month of October 2004; a copy of which is on file at the Township office.

Mr. Taylor advised that Pennsylvania Act 92 of 2004 has amended the UCC (Pennsylvania statewide building code) after the Township had acted to opt in, and two of these issues would affect the Township:

- The Act now excludes residential accessory buildings of up to 1,000 sq. ft. from the requirements of the UCC (the previous threshold was 500 sq. ft.); however, if a municipality previously regulated this activity, as Hilltown did, then the municipality may enact an Ordinance regulating the structures to the previous threshold.

In Hilltown's case, Mr. Taylor advised that would be 250 sq. ft. Supervisor Manfredi asked if Mr. Taylor is suggesting that building inspections be required for sheds. Mr. Taylor explained that at 250 sq. ft., a resident could still construct a 16 ft. by 14 ft. building, or a 12 ft. by 20 ft. building, something large enough to store a single vehicle in.

- The Act excludes "residential alterations under Section 104 if there are no structural or egress change." This primarily affects basement remodeling. If the municipality previously regulated this activity, as Hilltown did, the municipality may continue to regulate it.

With regard to basements, Mr. Taylor advised that a residential basement may now only be remodeled if there is a second exit from the basement directly to the outside (i.e. – adequately sized window well, walk-out door, or exterior Bilco doorway). To offset the potential hardship this could cause to homeowners, particularly those residents in townhouses, Mr. Taylor and Mr. Jenkins propose to include an exception that would relieve residents from being required to have a second exit if their dwelling is sprinklered. Discussion took place.

Both Mr. Taylor and Mr. Jenkins, the Fire Marshal, have recommended that the Township continue to regulate these activities in the interest of public safety.

Additionally, Mr. Taylor and Mr. Jenkins recommended that the Township re-enact the Residential Sprinkler Ordinance that was in effect in Hilltown prior to the enactment of the PA UCC. Supervisor Manfredi asked if the fact that a new dwelling would or would not be served by public water would have any bearing on the requirement for sprinklers. Mr. Taylor replied that it is the Fire Marshal's desire to require sprinklers for any new dwellings units. Supervisor Manfredi wondered how the Township could insure that individual wells could support sprinkler installations. Mr. Taylor explained that not all individual wells have the proper yield, however there are water tank systems available to provide water for a sprinkler system. Before making any determination, Supervisor Manfredi requested additional information and further dialogue. Chairperson Bennington agreed. Supervisor Egly would support the installation of sprinkler systems in new dwellings.

H. HILLTOWN AUTHORITY REPORT – Mr. James C. Groff, Authority Manager – Mr. Groff presented the Authority Report for the month of October 2004.

I. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson – Mr. Snyder presented the Zoning Hearing Board Report for the month of October 2004; a copy of which is on file at the Township office.

J. HILLTOWN FIRE COMPANY REPORT – Mr. Robert Grunmeier, Fire Chief – Mr. Grunmeier presented the Hilltown Fire Company Report for the month of October 2004; a copy of which is on file at the Township office.

Mr. Grunmeier advised that 15 out of 18 Hilltown Fire Company drivers have been certified to the professional qualifications board for driver/operator of the pumper truck.

Mr. Grunmeier stated that a Duty to Act Document, which lists all of the functions the fire company would do such as fundraisers, medical, fire suppression, rescue, etc., is required to be established to provide to Mr. Harris for the fire company study.

With regard to sprinkler systems in new residential dwellings, Mr. Grunmeier explained that sprinklers are a life safety issue, and are designed to create a path of exit, not to stop a house from burning down. Mr. Grunmeier supports the Fire Marshal and Code Enforcement Officer's recommendation to require sprinkler systems in new dwellings.

K. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie, Fire Chief – Mr. Gillespie read the Silverdale Fire Company Report for the month of October 2004; a copy of which is on file at the Township office.

Mr. Gillespie agreed with Mr. Grunmeier, noting that the cost of a sprinkler system is a small price to pay for the lives of your loved ones.

L. PARK AND RECREATION BOARD REPORT – Mr. Jon Apple, Chairperson – Mr. Apple provided a verbal report of the Park and Recreation Board activity for the month of October 2004. At last month's meeting, the engineer for the proposed Holly Farms Subdivision was in attendance to discuss recreational uses for that property, and the engineer for the proposed Gitlin/Johnson Subdivision was in attendance to discuss recreational uses for that property, as well.

The Halloween Fest was a great success, with excellent weather conditions and approximately 450 individuals attending.

The Park and Recreation Board is in the process of developing guidelines for tot lots and on-site recreation to be used in consideration of the acceptance of fee in-lieu-of. Further, the Board is also developing overlay maps, which would basically pinpoint the existing recreational facilities in the Township.

M. PLANNING COMMISSION REPORT – Mr. D. Brooke Rush, Chairperson – Mr. Rush presented the minutes of the November 1, 2004 Planning Commission worksession meeting; a copy of which is on file at the Township office. Discussion took place concerning required road improvements including sidewalks, curbing, etc., and the individual Planning Commission member's opinions of those issues.

As a builder himself, Mr. Rush stated that the cost involved to install sprinklers in a new dwelling is anywhere from \$8,000.00 to \$10,000.00. Further, it is very difficult to find quality individuals to install sprinkler systems due to the residential aspect of it. Mr. Rush noted that residential sprinklers must be routinely inspected on a yearly basis to insure safety. Personally, Mr. Rush would prefer that fire extinguishers be required in every dwelling, and would also suggest that smoking be banned inside dwellings.

O. OPEN SPACE REPORT – Mr. John Wietecha, Committee Member – Mr. Wietecha noted that there is an Open Space Committee member up for reappointment this year, and suggested that the vacancy be advertised earlier in order to fill the vacancy sooner. The next Open Space Committee meeting will be held on Tuesday, November 9, 2004 at 7:30PM.

P. CONFIRMED APPOINTMENTS:

1. Mr. and Mrs. Joseph Marshall – Neighboring Fence Complaint – Mrs. and Mrs. Joseph Marshall of 11 Pinewood Lane were in attendance to discuss a neighbor's fence, which has been painted with graffiti and decorated with a Miller Lite beer banner.

This fence was erected and defaced because the Marshall's complained to the neighboring property owner about excessive early morning noise resulting from the operation of a home surveying business located approximately 50 ft. from the Marshall's bedroom window. The fence was erected in September, and the graffiti and beer banner were done on October 1st, at which time the Marshall's filed a zoning complaint regarding the home business and the fence. Mr. Taylor told Mrs. Marshall that the current Zoning Ordinance does not regulate graffiti, and that the beer banner did not fall under the commercial advertising requirements since it does not promote the neighbor's business. Chief Engelhart noted that there is no criminal violation involved, but agreed that it is a cosmetic issue. Mrs. Marshall feels this is a form of harassment and intimidation because she and her husband expressed their displeasure by filing a complaint with the Township. Mr. Marshall stated that the neighbor's home occupation business is being operated without a permit. Mrs. Marshall believes that the neighbor's action is a mockery of the permit process, noting that it devalues the neighborhood since it can be seen from the street. She suggested that the Township consider setting minimum lot sizes for the operation of home businesses.

Supervisor Manfredi asked if this is a legal home occupation in accordance with the Zoning Ordinance. Mr. Taylor replied that the neighbor has not obtained a permit for a home occupation for this site. Once the Marshall's filed a complaint, Mr. Taylor investigated the issue, and sent the neighbor correspondence citing the rules and regulations and what is required to come into compliance. Mr. Taylor spoke to the neighbor approximately one week ago, who advised that they are taking steps to come into compliance within the thirty-day time frame. Mr. Taylor advised that this is a surveying business, and there may be an issue with the neighbor having one additional employee than is permitted, however the use is in the RR District with up to two employees. The neighbor has applied for a permit for the home occupation, though the application has not yet been reviewed or issued.

Discussion took place. Chairperson Bennington reminded Mr. and Mrs. Marshall that there are two separate issues involved – the home occupation, which the Township can and will address, and the graffiti on the fence, which is currently not regulated in the Zoning Ordinance. Supervisor Manfredi commented that the Zoning Ordinance requirements for the erection of a fence is clear. He suggested that the Board obtain an opinion from the Township Solicitor as to what options the Township, if any, have in matters such as this. Chairperson Bennington agreed, but is certain Solicitor Grabowski will say there is nothing the Township can do, noting that it is a civil matter. The Board directed Mr. Lippincott to contact Solicitor Grabowski, and to ask if Mr. and Mrs. Marshall can file a civil complaint against the graffiti on the fence, outside the constraints of the Township. Mrs. Marshall commented that she and her husband have been considering consulting their own attorney. Chairperson Bennington assured Mr. and Mrs. Marshall that the Township would diligently pursue the issue of the home occupation.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if the Ordinance regarding the home occupation also limits hours of operation. Supervisor Manfredi stated that the home occupation activity that the Marshall's confronted their neighbors about apparently was not a permitted activity to begin with. Mrs. Teed believes that there is a Zoning regulation that work cannot begin prior to 7:00AM, and noted that the Marshall's could file a formal complaint about the hours of operation, to which the Township could take action. Supervisor Manfredi explained that this is what is being done. He noted that the Township's first action was in response to the initial complaint filed by the Marshall's and the applicant's response was to file an application for a home occupation.

2. Mr. Hans Sumpf of 9 Beverly Road was not aware that there was a requirement regulating hours of operation, and complained about trash trucks picking up recyclables at 4:30AM. Mr. Lippincott explained that trash trucks are commercial vehicles, which are allowed and permitted by the State of Pennsylvania to be on the road at that hour. Discussion took place.

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

1. The Rt. 113 Heritage Corridor Website is now up and running. The address is www.113heritagecorridor.org.

2. The 2005 Fire Protection Agreements for the Hilltown and Silverdale Fire Companies were available for the Board's signature following this meeting.

3. The Barness Organization has requested a sketch plan meeting and provided the required \$500.00 escrow for the Metzger Tract located near Pheasant Hill Road/Schoolhouse Road and Keystone Drive area for a 20-lot Performance Subdivision.

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

1. Correspondence was received from the Pennsylvania Planning Association advising that the Blooming Glen Historic Village Plan has been selected as the winner of the 2004 PPA Certificate of Merit – Honorable Mention in the category of Outstanding Planning Award for a Plan. The PPA Awards Committee believes this work exemplifies the best and brightest in Pennsylvania Planning in 2004. The award will be conveyed at the PPA Annual Conference, November 7th through 9th in Harrisburg.

S. MYLARS FOR SIGNATURE: None.

T. PUBLIC COMMENT:

1. Ms. Susan Brickajlik of 2515 Hilltown Pike wished to address the issue of stormwater runoff from the Deep Run Valley Sports Association site that is being experienced by neighboring properties. She stated that PennDot had advised that the water must be retained on Deep Run's property before it flows down their exit driveway and between the houses to Hilltown Pike, and also that the Township is responsible for seeing that this is accomplished. Correspondence to this effect will be sent to Deep Run and possibly to the Township as well. Chairperson Bennington asked who from PennDot was present at the meeting that was held with representatives of Deep Run, the Township, and the neighboring property owners. Ms. Brickajlik replied that Ms. Dawn Knisley, Maintenance Manager, Mr. Ed Eichey, Assistant Highway Maintenance Manager, and Juan Martin, Acting Assistant County Manager were present. She noted that PennDot intends to do some grading near the intersection of Callowhill Road and Hilltown Pike, and possibly a few other areas. PennDot will also be clearing out the culvert pipes, and intends to forward letters to the residents along Hilltown Pike advising that it is their responsibility to clean out the ditches and culverts in front of their homes so that it does not interfere with the stormwater flow following the correct path. Chairperson Bennington confirmed that what PennDot is proposing to do, as well as what is required of the neighboring property owners, should resolve the issue of the stormwater flowing onto the roadway, though it would not halt the stormwater that flows from the Deep Run property itself.

Ms. Brickajlik advised that if the Township and/or Deep Run wishes to apply for a grant to the Department of Community and Economic Development Revitalization Single Application Grant Program, State Representative Kathy Watson said she would be willing to forward a letter of recommendation. Further, Byer's Choice, a local business, donates funds for community situations, which Deep Run might consider pursuing. At present, Ms. Brickajlik is aware that Deep Run has received \$25,000.00 in grant money, they are planning to use for improvement of the soccer fields at Fairhill Road and Rt. 152. She had asked Mr. Sumpf if some of that funding could be used to correct the desperate situation of stormwater runoff from the Deep Run site, but was told that was not an option. Further, Ms. Brickajlik claimed that Mr. Sumpf stated that Deep Run volunteers are too busy and do not have time to deal with this issue, because their main focus is the children.

Chairperson Bennington asked if PennDot inspected the Deep Run site to determine where the problem originates, what needs to be done, and the estimated cost to rectify the situation. Ms. Brickajlik replied that PennDot officials reviewed the site and spoke with Township Engineer C. Robert Wynn, noting that the flow of stormwater must be contained in a retention basin at the top of the Deep Run exit driveway on Callowhill Road. PennDot also advised that the stormwater currently streaming down between the

dwelling located at 2512 and 2518 Hilltown Pike into the drainage trenches must be stopped. It appears to Ms. Brickajlik that Deep Run's engineer or the Township Engineer would have to specify what type of retention facilities should be required. Mr. Lippincott commented that it was Mr. Wynn's recommendation that Deep Run conduct a study to determine the best location for a retention basin, what types of soils are involved, and where the stormwater flow is coming from. Mr. Lippincott explained that Mr. Wynn did not provide a cost estimate to correct the situation. Without conducting a comprehensive study, Mr. Wynn believes that the best location for the retention basin would be in the southwest corner where the driveway turns before heading toward the entrance.

Supervisor Manfredi suggested that another meeting be held to determine what options are available. Ms. Brickajlik is concerned that additional meetings with Deep Run will not show any productive results. While she realizes that Mr. Sumpf does not speak for the entire Deep Run board, it appears to her that he has no interest in attempting to rectify the problem.

2. Mr. Hans Sumpf of 9 Beverly Road, a board member at Deep Run, commented that the \$25,000.00 grant that was awarded has already been spent. He had told Ms. Brickajlik that it took a year to obtain the funding, and then another 2 years of exhausting paperwork to spend it. This is the reason Deep Run is hesitant to apply for government grants. He further noted that the \$25,000.00 was used for improvements to the baseball program, which is what the grant was specifically awarded for, not for the soccer fields at Fairhill Road.

As for Ms. Brickajlik's comment that his focus is the children, Mr. Sumpf agreed that is his priority. He inherited the problems involved with Deep Run through his leadership position with the organization. Mr. Sumpf stated that 30 years ago when the site was being farmed, stormwater was running off that property onto that area of Hilltown Pike. Most of the dwellings along Hilltown Pike were constructed when the land was still farmland and some after it became athletic fields. Many of the property owners purchased or constructed their dwellings across the street from where the already existing drainage pipe from the Deep Run property exited the site.

At that first meeting, PennDot representatives were not interested in reviewing the Deep Run site since their concern is the runoff's effects on Hilltown Pike. At that time, Mr. Sumpf had suggested that a graded drainage culvert be installed, similar to that of a neighboring property owner, which the PennDot representative believes would assist with moving water faster down that side of the road. Mr. Sumpf personally experiences flooding in his backyard, however he has no intention of blaming the neighboring farmer for that flooding. He noted that Deep Run can not control where the stormwater runoff comes from. Mr. Sumpf reminded those in attendance that Deep Run is run by volunteers, and he is frustrated by the fact that people say Deep Run is not willing to do

anything to assist with the situation. Their engineer, who is also a volunteer, has suggested that the water be diverted from flowing down the exit driveway, and away from Hilltown Pike.

3. Mr. Walter Drill of 2515 Hilltown Pike wished to correct some comments he had made at a previous Supervisor's meeting concerning Deep Run's water runoff affecting approximately ten neighboring properties. At the last meeting, he stated that Deep Run was "grandfathered" as far as stormwater management was concerned. Mr. Drill noted that is a matter of interpretation. He had stated incorrectly that not until the year 2000 or 2001 were there any stormwater management laws in effect in Pennsylvania. Mr. Drill explained that the Pennsylvania Stormwater Management Act, 167 dated 1978 was in existence when Deep Run developed their property, but did not meet the requirements of Section 13 of Act 167 on any improvements to their land.

Mr. Drill read several sections of Act 167, which follows - Section 13, Duty of Persons Engaged in the Development Of Land states "They are to employ measures to insure that the maximum rate of stormwater runoff is no greater after development than prior to development activities, or to manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury." The Hilltown Township Neshaminy Creek Watershed Stormwater Management Ordinance of April, 1993, Article I, Section 102, Statement of Findings, states "The Board of Supervisors of Hilltown Township finds that 102.01 Inadequate management of stormwater runoff from development in a watershed increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public health and safety." Further, Section 103 - Purpose, states "The purpose of this Ordinance is to promote the public health, safety, and welfare within the Neshaminy Creek Watershed portion of Hilltown Township by minimizing the damages described in Section 102.01."

Not only does Deep Run have inadequate management of stormwater runoff from their development, Mr. Drill commented they have none. Mr. Drill quoted the Hilltown Township Code, Chapter 103, under Nuisances, Section 103-11, Drainage and Discharge, Subsection A, states "No person shall permit roof, surface, and/or sanitary drainage to create a safety and/or health hazard to persons and or property by reasons of inadequate and/or improper construction, or maintenance, or manner of discharge." Section 103-12, Notice of Violation, states "Upon failure to comply with any terms or conditions of this chapter, the owner and/or occupant shall be notified by the Hilltown Township Board of Supervisors of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations, shall direct the owner and/or occupant to commence correction of the deficiency and/or deficiencies within five days of receiving the notice, and come into full compliance with this chapter

within 30 days from receipt of such notice, and shall inform the owner or occupant of the fines and penalties which would occur for the failure to comply. The notice shall also advise that in-lieu-of or in addition to fines and penalties, and subsequent to the five day period for commencement of correction, a thirty day period for completion for complete compliance, Hilltown Township may itself correct the deficiencies or contract for the correction thereof, and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law.”

Mr. Drill would hope that Hilltown Township would invoke Section 103.12 Notice of Violation of the Hilltown Code upon Deep Run Valley Sports Association Incorporated as they are in direct violation of Hilltown Township Code 103.11, Drainage and Discharge. Mr. Drill feels they are a person permitting surface drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate or improper maintenance or manner of discharge. By Hilltown Township’s own definition, Mr. Drill advised that a “person” is defined as any natural person, corporation, organization of persons, company, association or partnership.”

Mr. Drill and his neighbor’s expect that the results of this action will be reported at the next Supervisors meeting on November 22, 2004. He believes Hilltown Township would take action if a neighboring homeowner’s runoff repeatedly flooded Deep Run’s soccer and baseball fields.

Chairperson Bennington advised that Deep Run was in existence prior to 1978 and the institution of the Pennsylvania Stormwater Management Act. Mr. Drill noted that Deep Run made improvements to their property after 1978, and he believes that any permits they received from the Township which did not address stormwater management in accordance with the Pennsylvania Stormwater Management Act would be in violation. Supervisor Manfredi suggested Mr. Lippincott review the Deep Run property file history to determine what applications were submitted for permits, what permits were issued, and if the Township waived any requirements of the Ordinances. Chairperson Bennington and Supervisor Egly agreed. Mr. Drill commented that the Township’s own 1993 Ordinance specifically establishes requirements for stormwater runoff, yet nothing on the Deep Run site has been corrected. Supervisor Manfredi stated that there are many technical nuances to an application for Land Development that must be addressed, and perhaps Deep Run had been granted certain waivers at the time of land development submission, which Mr. Lippincott should be able to determine from the Township files. There is no question that this stormwater problem exists and must be corrected, however Supervisor Manfredi stated it could not be done until all the pertinent information and facts are before the Board, which he highly doubts could be accomplished by the November 22nd meeting.

Mr. Drill advised that several of the neighbors were living in the area for 40 or 50 years, prior to Deep Run's existence, but did not suffer this stormwater damage until after Deep Run's site increased the amount of impervious surface due to development of parking areas, driveways, construction of the snack bar, dugouts, etc. Mr. Drill is very concerned with the onset of winter and the inevitable storms that will occur in the coming months. Supervisor Manfredi noted that the effects of development are being felt in all areas of the Township. Discussion took place.

Mr. Lippincott will provide copies of all permits applied for and issued for the Deep Run site, copies of meeting minutes where these issues were discussed, and any other pertinent information for the Board's consideration, and will schedule additional meetings with representatives of Deep Run, the neighboring property owners, and the Township in order to continue to try to resolve this problem.

4. Ms. Susan Brickajlik of Hilltown Pike wondered if there is an individual on Deep Run's Board of Directors who is charged with applying for grants and attempting to find funding to address problems such as this. Chairperson Bennington explained that Mr. Sumpf is the Acting President, who is the head of the Executive Board. Mr. Sumpf stated that at the end of every year, there is a change in the Executive Board, of which there are five members. At present, there are only three members committed to return to the Executive Board, and Deep Run is attempting to fill those vacant positions, including the Operations Vice-President seat.

Ms. Brickajlik was told that perhaps the stormwater matter could be a bargainable issue, where if the neighbors and the community would support Deep Run's bid to erect lighting on their fields, they would consider doing something about the water runoff issue. She feels that the stormwater problems are not bargainable because it is a very hazardous situation that could cause serious accidents along Hilltown Pike. Ms. Brickajlik and her neighbors do not feel that this issue is something that they should have to bargain for. Mr. Lippincott explained that at the stormwater meeting, Deep Run's biggest concern appeared to be the possibility of losing one of its sports fields in order to construct a retention facility. At that time, the meeting was not going as well as Mr. Lippincott had hoped, and he advised both parties to continue open dialogue and consider compromise in an attempt to solve the problem to everyone's mutual benefit. Chairperson Bennington suggested that Deep Run have an engineer, perhaps one of the organization's volunteer members, review the matter. Ms. Brickajlik will provide a list of names and addresses of the neighboring property owners so that they may all be kept abreast of the situation as it progresses.

5. Mrs. Jean Bolger of Rt. 152 asked if the Township has an agreement with Deep Run with respect to their use of the open space at Fairhill Road and Rt. 152. Chairperson Bennington replied that there is a signed lease for Deep Run's use of the

Fairhill Road and Rt. 152 Township-owned open space. Mr. Lippincott believes it is a 40-year lease. Mrs. Bolger was concerned that Deep Run has been granted permission to revamp the Township's open space property. Mr. Lippincott explained that any improvements done to the Township's open space property must be done by applying for permits and with authorization by the Board of Supervisors. Mrs. Bolger asked if the use of that field is available to all Township residents, and Chairperson Bennington replied that the field is leased to Deep Run. She asked how many other Township properties are leased to Deep Run and what other Township properties they use without a lease agreement. Mr. Sumpf replied that Deep Run leases the Telegraph Road field as well. Mr. Lippincott noted that teams from Deep Run also rents the fields at the Hilltown Civic Park.

6. Mrs. Judy Greenhalgh of 874 Blooming Glen Road thanked the Supervisors for sending correspondence to H & K, requesting that they notify the Township when they will be deepening or digging new wells. She is aware that H & K will be obtaining permits to dig new wells for the Rosenberger farm on Blooming Glen Road and for the Sekella property at the intersection of Blooming Glen and Twinbrook Roads.

Over the Halloween weekend, Mrs. Greenhalgh realized that her well monitoring device disappeared, and at first feared vandalism. However she contacted Mr. Hirschfeld of H & K, who advised that they have ceased monitoring her well because they have determined that the quarry was indeed impacting her well. Mrs. Greenhalgh will be receiving a check for her loss back in 1997. She inquired as to how her neighbor's wells were doing, and was told that there was some possible change in one other well, but wells in the rest of the neighborhood have shown no ill effects to date.

7. Mrs. Marilyn Teed of Mill Road recently noticed three sections of corrugated pipe on the Longlane Farm driveway on Hilltown Pike. Chairperson Bennington replied that PennDot is hoping to rectify the problem in that area by replacing the pipe.

U. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi advised that Mr. Lippincott met for a second time with representatives of the Telford Borough Authority to discuss the fire suppression rates with respect to the Village of Dorchester. It appears that TBA, as an Authority, has the ability to set rates as they see fit. Telford Borough Authority does not seem to understand the Township's concern with the rates they have set, and are unwilling at this time to reduce those rates. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Township Manager to meet one more time with the Telford Borough Authority manager and board to ask them to consider reducing the fire suppression rates for the Village at Dorchester development, and to provide an accounting of the methodology used to justify the rates they are currently charging; and if that rate reduction and justification is not forthcoming, to authorize the Township Solicitor to investigate what legal action may be necessary to either take back that service area from the Telford Borough Authority and/or prohibit them from serving any other areas of Hilltown Township. There was no public comment.

2. During the Zoning Ordinance review process, Supervisor Manfredi suggested that the Board address the plight of disabled people and how the Township Ordinances and perhaps the Building Code can be revised to better accommodate these individuals, over and above the requirements of the Americans with Disabilities Act. Discussion took place

3. The Supervisors met with Mr. Andy Warren of PennDot relating to various roadway issues in Hilltown Township, including very serious ditch erosion along Dublin Road. Supervisor Manfredi recently inspected the site, noting that PennDot installed forms and stone along the ditch line, however the problem has not been resolved. He feels that the Township should make PennDot aware, with photographs, that a very serious safety issue continues, in addition to the erosion of the property owner's land.

4. Chairperson Bennington announced the new Wawa on Rt.113 will hold its grand opening on Friday, November 12, 2004 at 10:00AM.

5. Chairperson Bennington advised that the Liberty Bell Trolley Recreational Trail will be holding an open house on Wednesday, November 17, 2004 at the Souderton Borough Hall from 5:30PM to 7:30PM.

6. Several months ago there was an ad in the newspaper written by a citizen group stating that the Rural Residential Zoning District in Hilltown Township was under attack, and more recently, a flyer was mailed to some Township residents about the same issue, both of which in Chairperson Bennington's opinion, contained a great many inaccuracies and inconsistencies. He therefore found it ironic that last week's News Herald cited an article dated October 26, 1994, when the Township was in the process of updating its Zoning Ordinance with respect to minimum lot sizes, which stated that 85 concerned residents jammed the Hilltown municipal building mainly to voice their opposition to an Ordinance that would require a three acre minimum lot size for new housing.

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

W. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the November 8, 2004 Hilltown Township Board of Supervisors Worksession meeting was adjourned at 9:40PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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