

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, August 23, 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  
Gregory J. Lippincott, Township Manager  
C. Robert Wynn, Township Engineer  
Francis X. Grabowski, Township Solicitor  
Christopher Engelhart, Chief of Police  
Lynda Seimes, Township Secretary

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel, real estate, and legal issues including the Comcast contract extension, Patel Re-zoning Request, the Pennridge Senior Center, and the Tactical Team. He also announced that Supervisor Manfredi would not be present this evening.

Chairperson Bennington provided a medical update on Hilltown Police Officer James G. Kane, an 18-year veteran of the department, who was critically injured last Friday evening, while assisting a Telford Police Officer on a DUI stop. Currently, Officer Kane is critical but stable at University of Penn Hospital in Philadelphia, where he is being treated for severe head trauma, a fractured leg and broken shoulder. Chairperson Bennington asked those in attendance to keep Officer Kane in their prayers.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the July 26, 2004 Conditional Use Hearing for Cingular Wireless – Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the minutes of the July 26, 2004 Conditional Use Hearing for Cingular Wireless, as written. There was no public comment.

Action on the minutes of the July 26, 2004 Board of Supervisor’s Meeting – Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the minutes of the July 26, 2004 Board of Supervisor’s Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated August 24, 2004, with General Fund payments in the amount of

\$89,195.10 and State Highway Aid Fund payments in the amount of \$9,347.83, for a grand total of all payments in the amount of \$98,542.93.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the Bills List dated August 24, 2004. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Hilltown Garden Center/Stone Depot Request – Mr. Scot Semisch, the applicant's legal counsel, Mr. Joseph Pileggi, the applicant, and Mr. Richard Knudsen, the applicant's engineer, were in attendance to request a waiver of stormwater management requirements in order to construct a 10,000 sq. ft. pole barn on the property located near the intersection of Rt. 113 and Rt. 313. Mr. Semisch stated that the purpose of the Stormwater Management Ordinance is to deal with accelerated stormwater runoff and erosion. He advised that the barn is proposed to be constructed in an area of existing impervious surface (gravel), and therefore, believes there would be no increased erosion or water runoff, and that the water flow would not change.

Mr. Richard Knudsen, the applicant's engineer, explained that the applicant is proposing to construct a 10,000 sq. ft. pole barn, just to the east of the existing structure located on the site. He noted that this area of the site is currently covered with very densely packed gravel, and therefore, the construction of the pole barn would not have any adverse impact on adjoining properties, nor would it result in any additional stormwater flows or changes in the path of the stormwater runoff from the site.

In 1998, Mr. Pileggi had a commercial use on Rt. 313, just around the corner from this current site, where he sold living products such as trees, shrubbery and flowers, as well as non-living products such as stone, brick, and concrete figurines. In 1998, the Township agreed that Mr. Pileggi could move his commercial business from the Rt. 313 location onto this property on Rt. 113. The Township has since treated this property as a commercial use and has granted the applicant a 100 sq. ft. commercial/retail sign. Mr. Semisch referred to paragraph 7 of the Township's 1998 agreement with Mr. Pileggi, which allows a barn to be constructed on the property without going through the land development process, though he would still be required to obtain the necessary permits. Chairperson Bennington is aware that the Township granted a waiver of land development for this parcel, however he does not recall ever granting a waiver of stormwater management. Mr. Wynn agreed with that statement, and noted that it appears approximately 40% of the site is in impervious surface at this time, and questioned to what extent stormwater management has been put in place to address that existing impervious surface. Currently, Mr. Knudsen acknowledged that there are traditional stormwater management basins or other such features on the property, however there is a

forested perimeter lawn area that provides some absorption. Mr. Wynn asked how much impervious surface was added to the site since the year 2000. Mr. Knudsen did not know. Mr. Wynn reminded Mr. Knudsen that the Stormwater Management Ordinance took affect, which would require any increase of 1,000 sq. ft. to comply with that Ordinance. Besides the rate of runoff not being addressed, Mr. Wynn noted that the water quality and water recharge requirements of the Stormwater Management Ordinance have not been addressed. Therefore, Mr. Wynn recommended denial of the applicant's request. Discussion took place.

Supervisor Egly farmed that property for a number of years and installed the stormwater system located at the intersection of Rt. 113/Rt. 313 at the direction of conservation district managers of the Department of Agriculture. Solicitor Grabowski asked if Mr. Knudsen was authorized to review the entire site in terms of the adopted 2000 Stormwater Management Ordinance. Mr. Knudsen replied that he was charged to review the site with regard to the proposed pole barn and the relative contribution of stormwater runoff that would be generated by that construction. Solicitor Grabowski asked if Mr. Knudsen reviewed the 2000 Stormwater Management Ordinance with regard to compliance with this particular parcel. Mr. Knudsen confirmed that he did, and that the proposal does not comply with the Ordinance, however in this particular case, he believes the applicant would simply be replacing one type of impervious coverage with another. To do that, Solicitor Grabowski commented it would be a substitution of one violation for another.

\*Mr. Semisch took his client, Mr. Pileggi, into the lobby to discuss the matter further.

Upon his return to the podium, Mr. Semisch advised that in 1998, Mr. Pileggi obtained the permit from the Township to move his business from the previous location, is when the site was developed, which was prior to the adoption of the 2000 Stormwater Management Ordinance. Mr. Semisch commented that his client informed him that the site has not been further developed since 1998, when he obtained a permit to construct the existing dwelling and to operate the business. Solicitor Grabowski asked if there is someone living in the home. Mr. Lippincott advised that Mr. Pileggi did submit a copy of the lease for the dwelling when he applied for the sign permit application.

Supervisor Egly commented that stormwater management is also required to address concerns of neighboring property owners. Mr. Semisch asked if written statements from neighboring property owners advising that they do not experience stormwater runoff from the site would satisfy the Board of Supervisors. Chairperson Bennington replied that it would not, since it does not address the requirements of the Stormwater Management Ordinance.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to deny Mr. Pileggi's request for waiver of Stormwater Management Ordinance requirements. There was no public comment.

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

1. Solicitor Grabowski presented Resolution #2004-20, the Ludlow Subdivision right-of-way dedication easement for a property on Forest Road, Quarry Road, and Rickert Road, for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution 2004-20, the right-of-way dedication easement for the Ludlow Subdivision.** There was no public comment.

2. Solicitor Grabowski has reviewed the proposed Municipal Aid Agreement for Hilltown Police Department's possible participation in the Central Bucks Emergency Response Team. The adoption of an Ordinance is required under state law, whenever there is an intergovernmental cooperation activity such as this. If the Board is agreeable to the Hilltown Police Department entering into the Central Bucks Emergency Response Team, Solicitor Grabowski requested authorization to advertise for a Public Hearing to consider adoption of this Ordinance and to enter into the Municipal Aid Agreement, as noted above.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution #2004-21 authorizing the interaction of the Hilltown Township Police Department with the Central Bucks Emergency Response Team;** and to authorize the Township Solicitor to prepare and advertise a Public Hearing to consider the adoption of an Ordinance for Hilltown Township's participation in the Central Bucks Emergency Response Team. There was no public comment.

3. Solicitor Grabowski announced that the Patel Re-Zoning Request Public Hearing will be held on Monday, September 27, 2004 at 8:00PM, during the regularly scheduled Supervisor's meeting.

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

1. Aichele Tract Subdivision (Prel./Final) – This minor subdivision located at the intersection of Rickert Road and Rt. 152 was recommended for preliminary/final plan approval by the Planning Commission by a 6 to 1 vote, with Mr. Beatrice opposed, conditional upon completion of outstanding items as contained within the July 27, 2004 engineering review. Mr. Andy Schlosser, the applicant's engineer, was in attendance to present the plan.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to grant conditional preliminary/final plan approval to the Aichele Tract Subdivision, pending completion of all outstanding items as contained in the July 27, 2004 engineering review. There was no public comment.

2. Traynor Subdivision (Prel./Final) – This lot line adjustment subdivision located at the corner of Church and Fairhill School Roads was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of all outstanding items as contained within the June 22, 2004 engineering review, with all requested waivers of the Subdivision Ordinance requirements as listed in items 1.A through D of the engineering review, also being unanimously recommended for approval by the Planning Commission. Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to grant conditional preliminary/final plan approval to the Traynor Subdivision, pending completion of all outstanding items as contained in the June 22, 2004 engineering review. There was no public comment.

G. ENGINEERING – Mr. C. Robert Wynn, Township Engineer --

1. Pleasant View Subdivision Maintenance Period – The maintenance period for the Pleasant View Subdivision located on Callowhill Road has been successfully completed with replacement of the remaining dead detention basin plantings and street trees, and correction of a drainage problem within the detention basin.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to authorize acceptance of the completion of the 18-month maintenance period for the Pleasant View Subdivision, as noted above. There was no public comment.

2. Weidner Tract Subdivision Maintenance Period – Improvements including grading of the roadside swale, sidewalk installation, street trees, and a wetland detention basin, have been completed at the Weidner Tract Subdivision located on Seven Corner Road.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to authorize acceptance of completion of the improvements in the Weidner Tract Subdivision and commencement of the 18-month maintenance period. There was no public comment.

3. Baker Tract Subdivision Planning Modules - Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution #2004-22, accepting the Baker Subdivision Planning Modules.** There was no public comment.

4. Rambo Subdivision – This subdivision located at the corner of Keystone Drive and Schultz Road requires several improvements that have not yet been completed, including site work to improve storm drainage, the planting of additional trees and buffers, and repair of the bituminous path that was installed and subsequently cut due to dwelling construction on one lot. The timeframe for completion of improvements and the Letter of Credit expires on September 5, 2004.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington to authorize the Township Solicitor to notify the developer and the bank (Union National Bank) that the Township will find Mr. Rambo in default in the event the Letter of Credit is not extended to permit an additional one year period for completion of improvements. There was no public comment.

5. Hilltown Chase Subdivision – Mr. Wynn provided an update of the status of construction activity on required improvements at the Hilltown Chase Subdivision. Mr. Wynn presented a copy of the dedication punchlist schedule provided to the Township by the Elliott Building Group via correspondence dated July 8, 2004. The developer listed items that would be completed in July, August, and September of 2004. Based upon prior discussion of this schedule, the Supervisors authorized correspondence to be forwarded to the developer, advising that all improvements had to be complete by the end of September or they would be found in default. Most of the ten items required to be completed in July have not been started, and none have been completed. Most of the items to be completed in August have not yet been started, and none have been completed. Further, the developer replaced approximately 150 ft. of sidewalk by using a concrete mix that did not meet Township specifications.

Mr. Wynn has sent numerous certified letters to the developer, with little or no response. Therefore, he suggested that the Township Solicitor be authorized to notify the Elliott Building Group that the deadline of September 30, 2004 is fast approaching, and that the Township, under the Agreement, will seriously consider a declaration of default by taking over completion of the project. Discussion took place.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to authorize the Township Solicitor to forward correspondence to the Elliott Building Group that they will be considered in default as of September 30, 2004 if all improvements are not completed for the Hilltown Chase Subdivision. There was no public comment.

Smith Tract Subdivision – Sewage Facilities – No one from the Elliott Building Group was present to discuss this issue.

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

1. A request for an informal meeting with the Township Engineer and staff to review two sketch plans for a property located on Broad Street near Tiffany Drive has been received from the engineer for Guidi Homes. One proposal depicts sixteen 50,000 sq. ft. lots and one proposal depicts seven 3-acre lots. A meeting will be scheduled prior to the September 20, 2004 Planning Commission meeting so the applicant may appear before them.

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

1. Correspondence was received from Mr. Doug Sanders of the Barness Organization regarding the Kirk property located between Skunk Hollow Road and Upper Stump Road, for which a sketch plan was previously submitted. It is the applicant's intention to serve the site with public water via an extension of the line from the Toll Brothers site on Hilltown Pike. After speaking with Mr. Tom Kelso of Castle Valley Engineering and with Mr. Lippincott, the applicant felt it prudent to remind the Board of Supervisors of their intentions and to request direction regarding when to submit preliminary plans to the Hilltown Authority for consideration of public water service.

2. A copy of Resolution #2004-10 adopted by New Britain Township has been received, approving the inclusion of two New Britain tax map parcels -- one totaling approximately 24.142 acres and one totaling approximately 12.72 acres -- in the Hilltown Township Agricultural Security Area. These parcels were included in the Board's original motion to accept the 2004 applications to the Township's Agricultural Security Area back on May 24, 2004, pending notification and approval from the New Britain Township Board of Supervisors for inclusion of these two parcels from their municipality.

3. Correspondence was received from Mr. Jim Groff, the Hilltown Authority manager, regarding the inquiry from East Rockhill Township to serve the Cinnabar Farms Subdivision with public sewer, as well as correspondence regarding the extension of public sewer versus a package treatment plant for the Smith Tract Subdivision.

4. Mr. Lippincott advised that the Township received copies of correspondence to residents of the Rt. 313, Blue School Road, and Minsi Trail area from DEP regarding well water contamination from samples taken during June of 2004. Those wells found to be contaminated include:

- Whitman property, 818H Rt. 313
- Kurman property, 741 Minsi Trail
- Hangey/Foley property, 726H Rt. 313
- Keyser property, 1011 Blue School Road
- Shenamen property, 736 Rt. 313
- Jensen property, 800H Rt. 313
- Clauser property, 730 Minsi Trail
- Chlupis property, 720 Minsi Trail
- Benfield property, 1003 Blue School Road
- Thomas property, 1007 Blue School Road
- Pruss property, 714H Rt. 313
- York property, 901 Blue School Road

Those wells found to be contaminant-free include:

- Bryan property, 718H Rt. 313
- Warner property, 791B Rt. 313 (Bedminster Twp.)
- Egly property, 767 Minsi Trail
- Winder property, 700H W. Rt. 313

Chairperson Bennington is appalled that DEP was present at a previous Township meeting, stating that the contaminants were beginning to dissipate. Mr. Lippincott explained that the contaminants found in these wells include TCE and other volatile organic components, which do not include MTBE. Discussion took place. Mr. Lippincott provided a phone number for residents in that area of the Township to contact DEP to have their wells tested – 484-250-5960.

J. MYLARS FOR SIGNATURE:

1. Mascaro/PECO Lot Line Adjustment

K. PUBLIC COMMENT: None.

L. SUPERVISOR'S COMMENTS:

1. Chief Engelhart advised that Officer Kane remains in critical condition, however there were some minor improvements today. Anyone wishing to send cards or letters should forward them to the Hilltown Police Department, and they will be hand-delivered to Officer Kane's wife.

2. Chairperson Bennington received correspondence from the director of the Bucks County Area Agency on Aging, advising that the Bucks County Senior Task Force is planning a countywide summit on aging in Bucks County to be held on May 25, 2005

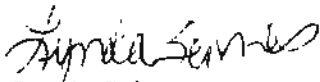


at the Bucks County Community College in Newtown. The plan is to bring together leaders and constituents from all over Bucks County in a day-long event designed to focus on many of the critical issues of the aging society. The summit will provide an opportunity to learn from experts in the field of aging to hear how this dramatic population change brings with it not only challenges, but also many opportunities to build the best communities by engaging older citizens in new ways. Each municipality is asked to appoint four senior citizens and one elected official to serve as delegates to this summit.

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

N. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously, the August 23, 2004 Supervisor's Meeting was adjourned at 8:16PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary