

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 28, 2004
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:33PM 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
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bennington requested a moment of silence in honor of former Hilltown Township Supervisor, Mr. Feryl Spaninger who recently passed away.

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel, real estate and legal issues with regard to Miketta, Roman Delight, and the Teed lawsuit.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the May 24, 2004 Supervisor’s Meeting – Motion was made by Supervisor Egly and seconded by Supervisor Manfredi to approve the minutes of the May 24, 2004 Board of Supervisor’s Meeting, as written. 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 June 14, 2004 Supervisor’s Worksession Meeting – Motion was made by Supervisor Manfredi, and seconded by Chairperson Bennington to approve the minutes of the June 14, 2004 Supervisor’s Worksession Meeting, as written. Supervisor Egly abstained from the vote 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 June 29, 2004, with General Fund payments in the amount of \$79,172.46 and State Highway Aid Fund payments in the amount of \$14,529.21 for a grand total of all payments in the amount of \$93,701.67.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated June 29, 2004, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mrs. Alice Kachline, Hilltown Township Tax Collector – Mrs. Kachline announced that she has decided not to run for an additional term for Tax Collector next year, and would like to see a smooth transition for the office. She explained that many people think that the Tax Collector only collects money, however it is much more involved. Mrs. Kachline would be very happy to work with any candidates for this office, and offered to have any interested individuals to actually come into her office in August for on-the-job training. She advised that there are no benefits involved with this office – no pension, no medical coverage, and no worker's compensation. For many years, Mrs. Kachline has rented an office here at the municipal office and intends to do so until the end of her term, because she believes the tax office belongs in the municipal building. She hopes that the Board of Supervisors will reconsider charging an office rental fee for the next elected Tax Collector.

Chairperson Bennington asked the annual gross income for this position. Mrs. Kachline stated that is difficult to determine at this time since the Pennridge School District will be eliminating the Per Capita Tax, and three quarters of the Tax Collector's income is from the collection of Per Capita Tax. Further, she noted that the School District does not pay as well per bill as the Township and the County – rather they pay \$2.00 per bill, whether it is a \$9,000.00 Real Estate bill or a \$10.00 Per Capita bill. In her case, there are 9,000 Per Capital bills, totaling \$18,000.00 per year. Mrs. Kachline will advise a Tax Collector candidate of her income from the Township and the County, and can also let them know what expenses are involved. Everything in Mrs. Kachline's rented office, with the exception of the carpeting, the paint, and window blinds, belong to her personally. She is willing to work with the next potential Tax Collector to assist with learning the job. Supervisor Manfredi agreed that it would be nice to transition the new Tax Collector into the job, however he reminded Mrs. Kachline that this is an elected office, and the person she trains may or may not be elected. Mrs. Kachline understands that, but would like to assist anyone interested in the position who intends to run for the office of Tax Collector.

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

1. Solicitor Grabowski presented the Moyer/Leasher Sewage Maintenance Agreement for an AB Soil System for the Board consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve and accept the Moyer/Leasher Sewage Maintenance Agreement for an AB Soil System. There was no public comment.

2. Solicitor Grabowski presented the Bcchtel Sewage Maintenance Agreement for Board consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve and accept the Bechtel Sewage Maintenance Agreement. There was no public comment.

3. Solicitor Grabowski presented the Subdivision/Land Development Agreement, Financial Security Agreement, Road Frontage Resolution, and Street Light Assessment Resolution for Wynnefield Estates (Longacre Tract Subdivision) located on Rt. 113 near Calvary Church for Board consideration. The developer will be making a contribution to the Township in the amount of \$20,000.00 in lieu of construction and installation of active recreational facilities, as well as payments of \$1,500.00 per lot for building permits, and a payment of \$238,000.00 as a community impact fee. Of that amount, \$62,000.00 has been paid. A payment of \$8,500.00 will be made upon application for the first 21 building permits within the project, with those payments to continue until the balance of funds have been submitted. Funds have been escrowed for the Financial Security Agreement in the amount of \$1,145,276.43.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Subdivision/Land Development and Financial Security Agreements of Arbor Green Limited Partnership for Wynnefield Estates (Longacre Tract Subdivision) as noted above. There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-14, accepting the Street Light Assessment for Wynnefield Estates (Longacre Tract Subdivision)**. There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-15, accepting the easement of Rt. 113 frontage for Wynnefield Estates (Longacre Tract Subdivision)**. There was no public comment.

4. An application for a Conditional Use Hearing has been received from Cingular Wireless, seeking to decrease the height of an existing tower located at the intersection of Callowhill Road and Broad Street from 360 ft. to approximately 200 ft. in height.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of a Conditional Use Hearing for Cingular Wireless as noted above for Monday, July 26, 2004 at 7:00PM, prior to the regularly scheduled Supervisor's meeting. There was no public comment.

5. Solicitor Grabowski announced that the Board discussed litigation in their Executive Session prior to this meeting regarding the Teed Mandamus Action. An

answer has now been filed to the complaint. Regarding the Stormwater Management Ordinance litigation with the Miketta estate, the Township's response brief has been filed with the Commonwealth Court of Pennsylvania, and the Township is awaiting notification from the court as to when oral argument will occur.

6. The next two Public Hearings for the request for zoning change from H & K Quarry will be held on Tuesday, July 27, 2004 and Wednesday, July 28, 2004, both hearings to be held at the municipal building beginning at 7:00PM, to entertain sworn statements from the audience. Both hearings will be advertised, but Solicitor Grabowski noted that the hearings may very well conclude on July 27th, thereby eliminating the need for the hearing on Wednesday, July 28, 2004.

***8:00PM – PUBLIC HEARINGS – Chairperson Bennington adjourned the June 28, 2004 Supervisor's Meeting in order to enter into two advertised Public Hearings to consider the proposed Impervious Surface Ordinance, and the Application of Roman Delight for the inter-municipal transfer of PA Liquor License to premises located at 1100 Rt. 113.**

Proposed Impervious Surface Ordinance Amendment - Solicitor Grabowski advised that the Township Engineer prepared a draft of an amendment to the Zoning Ordinance dealing with the Impervious Ratio definition and calculations required to make that determination. The proposed amendment was reviewed by both the Bucks County Planning Commission and the Hilltown Township Planning Commission, and has been advertised for consideration in the Doylestown Intelligencer on June 11 and June 18, 2004. The proposed Ordinance Amendment affects Part II – General Legislation-Chapter 160-Zoning of the Code of Ordinances to revise the definition of Impervious Surface Ratio, amends the site capacity calculations relative to calculation of impervious surface in Section 160-25.A (4)(b); and amends Section 160-25.B (2); and Section 160-26, the Table of Performance Standards. The amendment states that within a development site, land area and proposed impervious surface required for construction of new public streets pursuant to Subdivision Ordinance regulations shall not be included to determine the Impervious Surface Ratio of the site. Further, it states that no new lot may be created within any zoning district that exceeds the maximum impervious surface ratio due to existing and/or proposed impervious surface. A lengthy discussion took place.

Public Comment: None.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to **adopt Ordinance #2004-5, the Impervious Surface Ordinance Amendment**. There was no public comment.

Transfer of PA Liquor License – Roman Delight – Solicitor Grabowski explained that the purpose of the request is to comply with the Pennsylvania Liquor Control Board requirements, which state that all restaurants, eating establishments, and clubs under the regulations of the PLCB obtain licenses which may then be transferable from one location to another within the same County. The PLCB allows for the transfer of a liquor license from one municipality to another, but the receiving municipality must approve the transfer by either the adoption of an Ordinance or a Resolution. The regulations require that there be at least one Public Hearing by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to acquire an inter-municipal transfer from the PLCB. This Public Hearing was advertised in the June 11, 2004 edition of the Doylestown Intelligencer.

Mr. Angelo Evangelista, the owner of Roman Delight of Hilltown, and Mr. Michael Warner, the restaurant manager, were in attendance to present the proposal. Mr. Evangelista explained that the liquor license for the former Pour House Restaurant is now owned by the LCB, being held for re-sale to any individual willing to clear the license of all the state taxes or debts that were accrued against it by the previous owner of the property. Apparently, the former owner borrowed against the liquor license with approximately \$160,000.00 worth of debt against it at present. Mr. Evangelista noted that liquor licenses in Bucks County can normally be purchased for \$85,000.00 to \$135,000.00. If the Supervisors approve this transfer of liquor license, Supervisor Manfredi asked if the liquor license would remain with that location (1100 Telegraph Road) until Mr. Evangelista would choose to move it to another location in the future. Mr. Evangelista believes that once a transfer of a liquor license takes place, it must remain at the location for a minimum of 3 years. A lengthy discussion took place on the requirements involved with selling or purchasing a liquor license.

Public Comment: None.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-16, to accept the transfer of liquor license from Wrightstown Township to Hilltown Township to service the proposed Roman Delight Restaurant located at the intersection of Rt. 113 and Telegraph Road.** There was no public comment.

***8:20PM – Chairperson Bennington adjourned the two advertised Public Hearings and reconvened the regularly scheduled June 28, 2004 Hilltown Township Board of Supervisors meeting.**

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

1. Scholl Subdivision (Minor) – This minor subdivision located on Minsi Trail was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of items contained within the June 9, 2004 engineering review, with the following noted:

- Waivers requested by the applicant and as contained within items 2.A, C, and E of the engineering review were recommended for approval, noting with respect to property monumentation, that concrete monuments will be installed at the outboundary of Lot #1. The waiver requested for Item 2.B is withdrawn and Planning Modules will be submitted for approval. The waiver request included under 2.D regarding street trees is not applicable and withdrawn.
- Item #4 of the engineering review discusses the requirement for a fee in-lieu-of recreation land in the amount of \$1,952.00. The applicant indicated their desire for a waiver of the fee in consideration of the conservation easement established on the property. The Planning Commission made no recommendation on the fee waiver and advised the applicant that this matter should be discussed with the Board of Supervisors.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary/final plan approval to the Scholl Subdivision, pending completion of all outstanding items in the June 9, 2004 engineering review, and to waive the requirement for the \$1,952.00 per lot fee in-lieu-of recreational facilities, in consideration of the conservation easement established on the property. There was no public comment.

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

1. Longleaf I Subdivision – Maintenance Period – The maintenance period for Longleaf I has been successfully completed with some minor replacement of sidewalk and landscape plantings.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the maintenance period of the Longleaf I Subdivision and the return of any remaining escrow funds to the developer. There was no public comment.

2. Lynrose Estates Subdivision – Schedule for Completion – Correspondence was received from Sal Lapio, Inc. indicating that they intend to complete remaining

public improvements within the Lynrose Estates Subdivision with conversion of the sediment basin to the permanent detention basin in August, and paving of the roadways in September. Currently, the timeframe for completion of all improvements is August 16, 2004.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to extend the deadline for completion of improvements for the Lynrose Estates Subdivision until September 30, 2004, and to notify the developer that all improvements must be completed by that date. There was no public comment.

***8:31PM – Chairperson Bennington adjourned the June 28, 2004 Supervisor’s Meeting in order to enter into an advertised Public Hearing to consider the adoption of a Proposed Lighting Ordinance Amendment.**

Proposed Lighting Ordinance Amendment – This Ordinance amends the Code of Ordinances, Part II (General Legislation) Chapter 160, providing for additional regulations regarding non-residential lighting. Solicitor Grabowski explained that the proposed amendment was advertised in the Doylestown Daily Intelligencer on June 11 and June 18, 2004, as required and provides for additional definitions dealing with non-residential lighting, the regulation of same, and the use of standardized codes. Mr. Wynn advised that the amendment is primarily intended to manage outdoor non-residential lighting to reduce glare and lighting onto adjoining properties, public streets, and rights-of-way. It also provides reductions in the amount of night lighting and lighting into the sky, thereby reducing energy waste used by lighting that does not serve its intended purposes. The Ordinance contains a number of general regulations, requiring that any light above 16 ft. in height must meet certain full cut-off criteria to prevent the light from shining into the sky or creating a glare to adjoining properties. The Ordinance also provides regulations for fixtures of lighting, establishes a reduction requirement for lighting of establishments that are not in use during evening hours, provides for automatic switching devices to reduce those lights, requirements for roadway lighting, establishes lighting standards for parking areas, provides for requirements for maximum illumination levels at the property boundary at the right-of-way line at non-residential properties, regulates lighting for outdoor signage by requiring that externally illuminated signs and billboards be lighted aimed downward, and requires a lighting plan to be submitted for review prior to issuance of permits, etc. Mr. Wynn noted that there is one section of the proposed Ordinance that refers to residential outdoor lighting, found on page 9, which provides for applicability of requirements and the use of glare shields required for non-cutoff luminaire types of lighting. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if this proposed amendment would apply to any subdivisions or land developments already submitted to the Township. Mr. Wynn replied that it would not.
2. Mr. Hans Sumpf of 9 Beverly Road wondered how this Ordinance would affect lighting for sporting events, such as the temporary lighting currently used by the Deep Run Valley Sports Association. Mr. Wynn explained that Section H – Temporary Outdoor Lighting states “The requirements of this subsection apply to all outdoor lighting installations which are employed on a temporary basis not exceeding thirty (30) days in duration. Temporary lighting installations include, but are not limited to, seasonal or holiday displays, carnivals, community fairs, traveling circuses, sales/promotional displays, and the like.” A lengthy discussion took place.
3. Mrs. Jack McIlhinney of Broad Street questioned Table 9-2 on page 10 of the proposed amendment, and asked for a definition of what 50,000 lumens per acre entails, since there appears to be a disparity between requirements for the CR-2 zoning district, which roughly comprises 50,000 sq. ft. lots and permits 50,000 lm/ac, and the RR zoning district, which is also comprised of 50,000 sq. ft. lots and permits 10,000 lm/ac. Mr. Wynn could not quantify that since the language came directly from a book of lumination, which provides recommendations for different types of less rural areas. Mr. Wynn advised that it would only affect non-residential properties in those various zoning districts, not residential properties. The various zoning districts are included in the table since there are currently non-residential uses that may expand into those zoning districts. Discussion took place.
4. Mrs. Nancy Boice of Mill Road asked if the 30-day time frame for temporary lighting could be waived or expanded for the Deep Run Sports Association. Solicitor Grabowski replied that these are Zoning requirements, which cannot be waived by the Supervisors, nor can the Supervisors provide for special legislation for one class of organization.
5. Mr. Harry Mason of Morgan Lane feels the Ordinance should be adopted this evening, and then amended in the near future to address the temporary lighting standards.
6. Mr. Jack McIlhinney of Broad Street suggested that Section G simply be moved to the end of the Ordinance in order to avoid potential confusion.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to **adopt Ordinance #2004-6, Lighting Ordinance, and to move Section**

G (dealing with residential lighting) of said Ordinance to the end of the document.
There was no further public comment.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Township Solicitor and Township Engineer to draft an amendment to the Lighting Ordinance to address the use of temporary lighting for sports associations and recreation uses for consideration by the Supervisors at their July 26, 2004 meeting. There was no public comment.

***9:10PM – Chairperson Bennington adjourned the advertised Public Hearing and reconvened the regularly scheduled June 28, 2004 Hilltown Township Board of Supervisors meeting.**

F. PLANNING (Continued) –

2. Split Acre Farm Subdivision (Prel. – 13 lots) – Mr. Bill Benner, the applicant's legal counsel, Mr. Quentin Dancer, the applicant, and Mr. Vollberg, the applicant's engineer, were in attendance to present the plan. This 13 lot subdivision with frontage on Broad Street, Fretz Road, and Stump Road was unanimously recommended for preliminary approval by the Planning Commission, subject to completion of all items contained within the May 17, 2004 engineering review with the following noted:

- Waivers requested by applicant relative to street improvements, recreation land (a fee in-lieu-of will be paid to the Township), lot line orientation, minimum intersection spacing, horizontal curves, and plan scale as noted within Item #3 of the engineering review, were all recommended for approval by the Planning Commission.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary plan approval to the Split Acre Farm Subdivision, pending completion of all outstanding items as noted in the May 17, 2004 engineering review. There was no public comment.

3. Cinnabar Farms Subdivision – Traffic Impact Study – The preliminary plan proposing 24 lots on Midway Road, with two of the lots located in E. Rockhill Township, was discussed by the Planning Commission. No action was taken on the preliminary plan, however the Planning Commission unanimously approved a motion recommending that a Traffic Impact Study be required for this subdivision pursuant to Section 406 of the Subdivision Ordinance. In accordance with Section 406.3, the Supervisors, at its discretion, may require any subdivision to be accompanied by a Traffic Impact Study, provided that the Board of Supervisors notify the applicant within sixty days following the Planning Commission's first meeting to consider the proposal.

Chairperson Bennington advised that correspondence was received from the East Rockhill Township Board of Supervisors regarding the two dwelling lots proposed to be located in their municipality, expressing their concern with a subdivision crossing a municipal boundary. Mr. Wynn commented that the Hilltown Planning Commission and East Rockhill Township also suggested that this subdivision be laid out in such a way that there are no lots divided by the municipal boundary. Mr. Scott Guidos, the applicant's engineer, stated that it was his understanding that the Hilltown Planning Commission recommended that the Township boundary minimally be set at the right-of-way line of the road, thus there would not be a split between municipalities on those particular lots. There would still, however, be two potential lots located in East Rockhill Township where the setbacks would be established differently for the building envelope. Mr. Wynn agreed that was the recommendation of the Hilltown Planning Commission, noting that by arranging the lot configuration and running the edge of the right-of-way line along the municipal boundary, no portion of those two lots in East Rockhill would be located in Hilltown Township. A lengthy discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to require submission of a Traffic Impact Study for the Cinnabar Farms Subdivision. There was no public comment.

4. Baker Subdivision (Final – 6 lots) – Mr. Bill Benner, the applicant's legal counsel, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan.

Supervisor Manfredi questioned the status of requiring developers to provide plans on PDF or in a digital format. Mr. Wynn knows that the Planning Commission prefers to review hard copies of plans, due to the time involved with setting up equipment at public meetings to provide PDF or digital formats. Supervisor Manfredi commented that the Planning Commission is welcome to have hard copies before them at their meetings, however he wants the public to be able to view the plans as well. Mr. Wynn advised that voluntary requests have been made of developers, however none have taken advantage of it. There are several proposed SALDO amendments before the Planning Commission for consideration, one of which is a requirement for developers to provide their proposals in PDF form. Discussion took place.

Motion was made by Supervisor Manfredi to include an amendment to the Subdivision/Land Development where there is a requirement of all applicants to provide a PDF to be projected on a screen by a device in the Township building so that plans can be seen by all those in attendance at public meetings. Chairperson Bennington reminded Supervisor Manfredi that the SALDO is proposed to be updated after the Zoning Ordinance has been revised. Mr. Wynn noted that there are several proposed SALDO amendments before the Planning Commission for review, which was provided to them at

their last meeting. Solicitor Grabowski advised that there is a proposed Ordinance amendment requiring an electronic submission of plans to the Township, however the Supervisors cannot force or require applicants to make their presentation in a specific way. Supervisor Manfredi is aware of that, however the Township will be requiring developers to provide the electronic data of their plans so that it can be projected on a screen during Township meetings. There was no second to Supervisor Manfredi's motion.

This six lot subdivision located on Rt. 113 was recommended for final approval by the Planning Commission by a 5:1 vote, with Mr. Beatrice opposed, subject to completion of outstanding items as contained within the June 7, 2004 engineering review with the following noted:

- Plan must be redesigned to comply with Zoning Ordinance limitations relative to impervious surface or variance approval must be obtained from the Zoning Hearing Board unless the proposed Zoning Ordinance amendment regarding impervious surface calculations is adopted and the plan verifies compliance with same.
- At the Supervisors meeting of April 26, 2004, the applicant was advised that their request for waiver of the requirement for installation of sidewalk along Rt. 113 was denied, but would be reconsidered during final plan review. At a minimum, the plan must be revised to include grading to permit future installation of sidewalk along Rt. 113. The applicant previously offered a contribution in-lieu-of sidewalk installation in the event the Board of Supervisors grants their waiver request. No further action was taken by the Planning Commission on this matter since their prior recommendation had been for full street improvements.

Chairperson Bennington noted that the owner of the Coyne property located across the street from the site previously expressed a concern with the amount of silt in their pond, and asked how the Township can assure Mr. Coyne that additional silt will not flow into the pond during construction of the Baker Subdivision. Mr. Wynn is well aware of Mr. Coyne's concern, and explained that one of the advantages of the proposed layout is that all of the runoff that ultimately discharges onto Mr. Coyne's property and into his pond will run through the proposed detention basin and the sedimentation basin once the subdivision is constructed. The applicant was very attentive to erosion and sedimentation control on this plan due to Mr. Coyne's concerns. Once the development is completed, Mr. Wynn believes the water quality flowing into Mr. Coyne's pond will improve because it will be "cleaned" through the wetland basin. Mr. Wynn advised that the danger lies in the time period while the basin is being constructed, which is when Mr. Coyne may experience some additional silt. He noted, however that Mr. Coyne's pond

would still sometimes become cloudy, even with the installation of silt fence. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked which direction the dwelling proposed on Lot #6 would face. Mr. Guidos replied that the house would be facing the cul-de-sac. Mrs. Teed felt that the rear of the dwelling facing Rt. 113 would be unsightly.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Baker Subdivision, pending completion of all outstanding items as noted in the June 7, 2004 engineering review. There was no public comment.

5. Pondview Estates Subdivision – Sewer – No action was taken by the Planning Commission on the final plan for Pond View Estates Subdivision and an extension in the time frame for plan review was received until July 30, 2004. However, the applicant's legal counsel was present at the Planning Commission and advised the Planning Commission of the applicant's desire to revise the plan for public sewer connection in-lieu-of the proposed A/B on-lot systems. The Planning Commission engaged in a lengthy discussion with the applicant's legal counsel before a motion was made recommending that public sewer facilities from the Hilltown Authority not be extended to service the Pondview Subdivision site. The motion did not pass, with a 3-2-1 vote. Mr. Beer and Mr. Rush were opposed, supporting a public sewer extension. Mr. Kulesza, Mr. Beatrice and Mr. Fox supported the motion to oppose the sanitary sewer extension, while Mrs. Hermany abstained.

Ms. Jenny Strothers, the applicant's legal counsel, was present to seek direction from the Board of Supervisors on whether or not to revise the plan for public sewer facilities.

Supervisor Manfredi asked if the Township's Act 537 Plan shows the sewer service area to include this property. Mr. Wynn replied that this site is located within the Hilltown Authority's service area by agreement, however it is not an area that is immediately proposed for public sewer, and therefore would require an Act 537 Plan revision to permit public sewer to be extended, or a waiver would be required from DEP. Chairperson Bennington noted that there is a grinder system to provide public sewer to the Hilltown Chase Subdivision one property away from the proposed Pondview Estates on the north side, as well as the Deerfield Subdivision which is served by public sewer. Since the site is located next to the sewer district and since the extension of public sewer would be an advantage to the two neighboring businesses – Roman Delight and the schoolhouse candy store. Supervisor Egly does not see a problem with extending public sewer, in order to avoid the health factor involved in the future. If the Myers Tract were

able to secure an easement from the Thompson property and thus the sewer would reach the Pondview Tract, Supervisor Manfredi asked if a denial of extension of public sewer would be arbitrary or capricious. Solicitor Grabowski replied that the Supervisor's decisions could always be argued to be arbitrary or capricious, because planning that is determined on a case-by-case basis is involved. Supervisor Manfredi reminded those present that there is nothing prohibiting public sewer in the RR District in the Zoning Ordinance, but it is governed by the Act 537 Plan, which is why a revision would be necessary for sewer to be extended to this particular location. If the Township decides to permit the extension of public sewer, parcel by parcel, into the RR District, Supervisor Manfredi commented that when and if they stop, the Township would be put in a difficult position because of the precedent that has been set. Chairperson Bennington's concern is the possible failure of package plants or A/B systems dotting the Township in the future if extension of public sewer into the RR is not considered. Solicitor Grabowski felt that the prohibition of public sewer will not discourage developers; they will simply install A/B systems, which will generate problems with the issuance and proliferation of all the agreements that would be required, as well as the inspections required. In Supervisor Manfredi's opinion, the Board would not be serving the public well to increase greater density of on-lot treatment systems in the area of the proposed Pondview Subdivision, since that number of sandmounds or A/B systems could be more of a detriment to the health, safety, and welfare of the community than a positive. The concern Supervisor Manfredi has is that the same set of circumstances the Board is facing this evening might not necessarily apply to a neighboring property. While Supervisor Manfredi was not willing to make the motion to extend public sewer to the Pondview Estates Subdivision, he would consider seconding the motion, and noted it was his inclination to provide public sewer to this site under these specific set of circumstances.

Motion was made by Supervisor Egly, and seconded by Supervisor Manfredi, to approve an Act 537 Plan Revision to allow for connection to public sewer for the Pondview Estates Subdivision instead of individual on-lot A/B systems. Because the Township would be allowing the site to be served by public sewer, Chairperson Bennington suggested that the motion be amended to require the applicant to provide a voluntary capital contribution to the Township, the amount of which would be determined by the Township Engineer. Ms. Strothers advised that the applicant would be willing to agree to a capital contribution, however in consideration of what that determined dollar amount would be, they would request a waiver of some of the required site improvements along Rt. 113, in order to make the project financially feasible. Mr. Wynn recommended that full frontage improvements be required along Rt. 113. Chairperson Bennington and Supervisor Egly would not be willing to waive frontage improvements along Rt. 113.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked where the public sewer line would be run from and to. The applicant replied that the best scenario would be to run the line off a manhole, travel down road "A" in the proposed subdivision to gain access and provide sewer service to the Roman Delight property and the schoolhouse candy store property from the intersection of Rt. 113 and Telegraph Road. The owners of the restaurant and the candy store would then be financially responsible for the connection fees.
2. Mr. Frank Rice of 150 Dorchester Drive encouraged the Supervisors to move forward with extending public sewer connection to those two businesses.
3. Mrs. Nancy Boice of Mill Road was curious as to why the extension of public sewer was not considered a problem for the previously discussed Baker Subdivision property. Mr. Wynn explained that with the Baker Subdivision, the Township actually lost the right to stop the extension of public sewer to the site on a private request to DEP several years ago.

Supervisor Egly withdrew his original motion.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to consider amending the Act 537 Plan to extend public sewers for the Pondview Estates Subdivision pending discussion of a voluntary capital contribution from the developer, the amount of which is to be determined during the final plan approval process. There was no public comment.

6. Myers Tract Subdivision (Prel. – 49 lots) – Mr. Robb Gundlach, the applicant's legal counsel, along with Mr. Scott Guidos, the applicant's engineer, and Mr. Doug Sanders of Barness Organization were in attendance to present the plan.

This plan proposes 49 lots with frontage on Rickert Road, Telegraph Road, West Creamery Road, and Callowhill Road, and was unanimously recommended for preliminary approval by the Planning Commission, subject to completion of all outstanding items as contained in the June 14, 2004 engineering review, with the following noted:

- Planning Commission recommends that Lots #48 and #49 be deed restricted from further subdivision. Lot #48 is a proposed three-acre lot located on Callowhill Road, while Lot #49 is the lot containing the existing farm buildings and stormwater management basin.

- Planning Commission unanimously recommended that the proposed recreational facilities be relocated to approximately Lot #27 and be owned by a Homeowner's Association, rather than the Township. In the event the facilities are relocated, the current area of the tot lot at the intersection of W. Creamery/Telegraph Roads will be revised to a single-family dwelling lot (same total number of lots). Additionally, the tot lot and other facilities would be privately owned and not accessible to the general public. No parking area is necessary in the event the recreation land is privately owned.

A lengthy discussion took place concerning the three recreational facilities options – relocation of the facilities to Lot #27 as recommended by the Planning Commission, allowing the tot lot to remain at the intersection of W. Creamery and Telegraph Roads as originally proposed, or to accept a fee in-lieu-of recreational facilities from the developer. Chairperson Bennington asked if the nearby Smith Tract proposes recreational facilities. Mr. Wynn advised that the original Smith Tract application proposed 24 lots, however the revised plan just recently submitted proposes 25 lots, which requires the developer to provide a recreational facility.

Public Comment:

1. Mrs. Judy Greenhalgh of Blooming Glen Road commented that residents of the recently constructed Hilltown Chase Subdivision could use recreational facilities at the Myers Tract Subdivision.
2. Mr. Jack McIlhinney of Broad Street recalls that there is a 10 or 11-acre parcel on the Smith Tract that the applicant did not intend to build on, where a tot lot could be constructed.
3. Mr. Hans Sumpf of Beverly Road asked for a definition of "playfield." Mr. Wynn explained that a playfield is a flat, graded play area, approximately 1 to 1.5 acres in size. It is not a defined baseball or soccer field.
4. Mrs. Nancy Boice of Mill Road clarified that the Planning Commission felt the playfield, if it were to be located at the intersection of Telegraph and West Creamery Roads, would not be used by the general public due to parking and public safety issues, not to mention the maintenance that would be required by the Township.
5. Mr. Hans Sumpf of Beverly Road asked if there is a tot lot provided at the end of Beverly Road in the Hilltown Chase Subdivision. Mr. Wynn replied that there is a parcel

of open space land owned by the Township, however there are no recreational facilities located on it.

6. Mr. John Herring of Telegraph Road commented that most of the people purchasing homes in this development are more than able to afford their own tot lots or recreational facilities on their own lots.

Personally, Chairperson Bennington felt that the Township should accept a fee in-lieu-of recreational facilities for this development, with the lot located at Telegraph and West Creamery Roads remain open. Supervisor Egly agreed. Discussion took place.

- Waivers requested by the applicant as contained within the May 27, 2004 correspondence from the applicant's engineer were considered by the Planning Commission. Waivers requested pursuant to Items #1, #5, and #6 of the applicant's engineer correspondence were unanimously recommended to be approved. Waivers requested from curb, sidewalk, and leveling (Items #2, #3, and #4 of the Van Cleef Engineering review) were not approved at this time, but were deferred for further consideration during final plan review.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Myers Tract Subdivision, pending completion of all outstanding items as noted in the June 14, 2004 engineering review, including deed restricting Lots #48 and #49 from further subdivision, the triangular shaped parcel located at the intersection of W. Creamery Road and Telegraph Road to remain undeveloped and maintained in meadow condition with a fee in-lieu-of recreational facilities being provided by the applicant, with the amount to be determined during the final plan approval process, and to waive the requirement of sidewalk along the frontage of Callowhill Road with a fee in-lieu-of to be provided. There was no further public comment.

G. ENGINEERING – (Continued) –

3. A & T Subaru – Improvements Completion – Improvements required at the A & T Subaru Land Development site have been completed.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the improvements at the A & T Subaru Land Development site, including frontage improvements along Bethlehem Pike, stormwater management facilities/detention basin, landscaping, and property monumentation; and commencement of the 18-month maintenance period required by the Financial Security Agreement. There was no public comment.

4. Car Sense – Landscape Contribution – As discussed at a prior meeting, the applicant proposes to donate funds to the Township in-lieu-of installation of replacement plantings in the rear of their site. Correspondence dated June 17, 2004 from the applicant offers to donate \$6,723.00 to the Township in-lieu-of the replacement plantings.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the donation in the amount of \$6,723.00 from Car Sense in-lieu-of replacement plantings. There was no public comment.

5. Home Depot – Improvements Completion – Improvements required by the land development plan have been completed at the Home Depot site and a request has been made to accept completion and commence the required maintenance period.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the retainage of 15% of the escrow funds for repair/maintenance for the Home Depot Land Development during the required maintenance period. There was no public comment.

6. Pompei Subdivision – Status of Improvements – Mr. Wynn provided a status report of improvements relative to the Pompei Subdivision. The waterline was installed along the edge of Seven Corner Road. Last week, the improvements including shoulder work, swale, bank re-grading, and driveway trench boxes were completed. Further, the driveways were placed in binder condition, and the paved pedestrian path along the frontage of the site have been accomplished. Also, the culvert at the intersection of Blooming Glen and Seven Corner Roads was replaced. This will address the previous problem of water running across the intersection and freezing in the wintertime. Street tree installation and some road repair work remain to be completed.

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

1. A request for re-zoning has been received from McGrath Homes, which is available for public review at the Township office.

2. With regard to Mrs. Teed's inquiry at the last meeting regarding the Supervisor's decision concerning applicants re-applying for various board vacancies, Mr. Lippincott presented a copy of the March 8, 2004 Supervisor's Worksession meeting minutes where it was determined that the applicants who had previously applied for vacancies on both the Planning Commission and the Zoning Hearing Board would be considered without having to reapply and that the policy concerning retaining applications for up to one year would be considered by the Supervisors in the future. Personally, Chairperson Bennington believes that retaining applications for one year is a good policy and feels it should continue. Supervisor Manfredi disagreed, noting that if a

vacancy is advertised, residents should respond to that specific advertisement if they are interested in serving. A lengthy discussion took place.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street thought the policy was to hold an application for one calendar year, not from the date an application is received.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to retain applications for Township Board vacancies for one calendar year. There was no public comment.

3. Mr. Lippincott presented a Resolution for the Board's consideration regarding the following additional fees to be added to the Fee Schedule:

Ordinance Code Book.....	\$100.00
Escrow for Subdivision/Land Development Sketch Plan Review by Township Professional Staff and Township Staff.....	\$500.00
Residential Finished Basement.....	\$ 75.00

Mr. Lippincott explained that the \$75.00 fee for Residential Finished Basement is for the additional time it is taking the Code Enforcement Department to review and inspect the new requirements with regard to accessibility of residential finished basements of the recently adopted UCC statewide building code.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street commented that there have been quite a few municipalities throughout the state complaining about the new statewide building code because it is not exactly as they thought it would be. Apparently, instead of being strictly a building code, the UCC is delving into a myriad of other things. Mr. McIlhinney hopes that the Township is keeping abreast of this information.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-17, instituting the following fees for the remainder of the year 2004 – Ordinance Code Book - \$100.00, Escrow for Subdivision/Land Development Sketch Plan Review by Township Professional Staff and Township Staff - \$500.00, and Residential Finished Basement - \$75.00; and to incorporate such rates into Resolution #2004-6, Building, Zoning, and Miscellaneous Fee Schedule, as adopted on January 5, 2004.** There was no public comment.

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

1. Correspondence was received from Mr. David Trusal, who lives in the Green Meadows development, seeking Township's consideration of restricting parking on one side of Conestoga Way for its entire length. Presently, only a portion of Conestoga Way restricts parking on one side of the road. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to direct the Police Department to investigate the possibility of restricting parking on one side of Conestoga Way for its entire length.

Chief Engelhart advised that the Traffic Sergeant agreed with Mr. Trusal's comments, and recommended that parking be restricted on one side of Conestoga Way for its entire length.

Supervisor Egly withdrew his original motion.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the preparation and advertisement of an Ordinance to restrict parking to one side of Conestoga Way for its entire length. There was no public comment.

2. Correspondence was received from the engineer completing environmental studies for PennDot regarding the replacement of the single span concrete arch bridge on Rickert Road. As a result, this bridge has been determined eligible for listing in the National Register of Historic Places. Historic preservation laws require that a Determination of Effect Report be prepared to assess what impacts the proposed project will have on the bridge and what measures can be implemented to mitigate those affects. As part of the preparation of the Determination of Effect Report, coordination is undertaken with individuals or groups that may have an interest in the project to afford them an opportunity to review and comment on the project. Hilltown Township has been invited to participate in this coordination process. PennDot is requesting that the Board supply them with a letter stating the Township's position on the project, which will be included in the final effects report.

The Board decided to table this issue for further consideration.

3. Correspondence was received from the East Rockhill Township Board of Supervisors regarding their concerns and issues related to the proposed Cinnabar Farms Subdivision, including on-site vs. public sewer, and the possible elimination of dwelling units on Lots #12 and #13, both of which are located in their municipality.

Mr. Wynn and Mr. Lippincott met with the East Rockhill Township Manager, who proposed serving the site with public sewer from their sewage treatment plant, or having the Hilltown Water and Sewer Authority purchase bulk from their sewage treatment plant to serve the site. Supervisor Manfredi suggested that input from the Hilltown Authority be solicited. Supervisors Egly and Bennington agreed. The issue was tabled.

J. MYLARS FOR SIGNATURE: Ludlow Lot Line Adjustment

K. PUBLIC COMMENT:

1. Mr. John Herring of Beverly Road presented photographs of the ponding on his driveway created from the developer of the Hilltown Chase Subdivision. Recently, Chairperson Bennington sent a personal note to the solicitor for the Elliott Building Group, after reading his response to Mr. Herring's complaints about this problem, asking for the situation to be rectified immediately. Mr. Wynn also recently sent a third certified letter to the Elliott Building Group, requesting the developer's schedule for completion of improvements within the development. No response has ever been received. Mr. Wynn sent one of the prior letters to Mr. Shaskowitz, the developer's legal counsel, who has never responded. The most recent correspondence advised that Mr. Wynn intended to discuss the developer's proposed schedule for completion of improvements, or lack thereof, with the Board of Supervisors at their July 26, 2004 meeting. In Mr. Wynn's opinion, the developer is past their deadline and can be defaulted. Discussion took place.

Mr. Herring stated that there is an open space parcel located next to his property on Beverly Road, and asked if it would remain open or if a tot lot would be constructed on the site. Mr. Wynn advised that a tot lot may be required to be constructed on that parcel, at the determination of the Board of Supervisors, but regardless, the parcel would be owned by the Township. Mr. Herring asked permission to plant buffer trees along the property line between his parcel and the open space lot. If acceptable to the Board of Supervisors, Mr. Wynn suggested Mr. Herring wait until the Township takes dedication of the development before planting any buffer trees.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Egly read the following statement, which has been transcribed verbatim as follows:

"I am making this statement for the public and the record, that I am recusing myself from any and all actions on the plans of McGrath Homes, Inc. on my property and neighboring properties. The property sale started September 11, 2002 when Rotelle Builders of Barto, PA and I reached an Agreement of Sale on 50 acres of 54 acres. Then on May 14, 2004,

Rotelle decided to reassign the Agreement to McGrath Homes, Inc. When I was interviewed by the Supervisors last year for this seat on the Board, they were advised that I had sold 50 acres to Rotelle. I had no idea that Rotelle would reassign this Agreement. I will not in any way have anything to say as to any part of this project on or off the Board.”

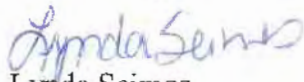
2. Chairperson Bennington announced that a joint meeting of the Hilltown Township Planning Commission, Open Space Committee, and Park and Recreation Board will be held on July 8, 2004 at 7:30PM at the municipal building.

3. Chairperson Bennington read in the Planning Commission minutes that the developer of the Oskanian Tract did not realize they were required to provide a buffer between the existing cemetery and the development. He advised that he made it very clear to the developer early in the review process that they would be required to provide a buffer for the cemetery.

M. PRESS CONFERENCE: There were no reporters present at this time.

N. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the June 28, 2004 Hilltown Township Board of Supervisors was adjourned at 11:04PM.

Respectfully submitted,


Lynda Seimes
Township Secretary