

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, May 24, 2004
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order at 7:30PM by Vice-Chairperson George C. Egly, Jr., and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Supervisor
Gregory J. Lippincott, Township Manager
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor
Lorraine E. Leslie, Township Treasurer

Vice-Chairperson Egly announced the Board met in Executive Session following the May 10, 2004 Worksession meeting to discuss personnel and real estate, and also met in Executive Session prior to this meeting in order to discuss personnel, real estate, and legal issues.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF CURRENT BILLING – Vice-Chairperson Egly presented the Bills List dated May 25, 2004 with General Fund payments in the amount of \$67,126.62, and State Highway Aid Fund payments in the amount of \$8,384.89; for a grand total of all payments in the amount of \$75,511.51.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to approve the Bills List dated May 25, 2004, as written. There was no public comment.

C. CONFIRMED APPOINTMENTS: None.

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

1. Solicitor Grabowski presented the Rosanelli Sewage Maintenance Agreements for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept the Rosanelli Sewage Maintenance Agreement. There was no public comment.

2. Solicitor Grabowski presented the B & D Sewage Maintenance Agreement for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept the B & D Sewage Maintenance Agreements. There was no public comment.

3. Solicitor Grabowski presented the Subdivision Agreement, Financial Security Agreement, Declaration of Road Frontage, and Sidewalk Access Easement Agreements for the Johnson Subdivision, for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to **adopt Resolution #2004-13 accepting the Declaration of Road Frontage for the Johnson Subdivision.** There was no public comment.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept the Subdivision Agreement and Financial Security Agreement for the Johnson Subdivision. There was no public comment.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept the Sidewalk Access Easement Agreement for the Johnson Subdivision. There was no public comment.

4. The Township received an application for transfer of liquor license from Roman Delight Restaurant who is in the process of purchasing the former Dembrosky's Restaurant located at the intersection of Telegraph Road and Rt. 113. The applicant apparently has made arrangements to purchase a liquor license from some entity in Wrightstown Township. The Liquor Control Board regulations require that the accepting municipality hold a brief Public Hearing and vote to allow for that. An application has been sent to the applicant, and the Public Hearing will be advertised for consideration at the June 28, 2004 meeting.

5. The next H & K Quarry hearings have been scheduled for June 3, 2004 and June 7, 2004 at 7:00PM and will be held here at the municipal building.

6. At the last meeting, discussion took place concerning two drafted Ordinance proposals by the Township Engineer's office. Mr. Wynn was directed to make the Lighting Ordinance amendments applicable to only non-residential uses, which has been completed and has been reviewed by the Planning Commission. With regard to the Impervious Surface Ordinance amendment, it dealt with impervious surface ratio definition, the calculations thereof, and contained an Article II, which provides for a B-1.A – Farmstead Use, containing various requirements. There was some discussion at the last meeting about language added to the proposed Farmstead Use. The staff has recommended that it be a policy decision by the Supervisors as to whether or not the Township should provide for that. It is Supervisor Manfredi's understanding that there

were some questions with respect to the Farmstead Use, including deed restriction, size, etc. brought forth by the Planning Commission. Mr. Wynn explained that the Planning Commission recommended that the Farmstead Use be modified with a deed restriction.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to advertise the proposed Lighting Ordinance amendment for Public Hearing. There was no public comment.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to strike all the language in the draft Ordinance amendment relating to the Farmstead Use provisions, and to advertise the proposed Ordinance with only the provisions for impervious surface, and to direct the drafting of a separate, stand-alone Ordinance for Farmstead Use provisions to be reviewed separately for consideration. There was no public comment.

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

1. Moyer Subdivision – This minor subdivision located on Quarry Road within the RR Zoning District was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of all items as contained within the May 3, 2004 engineering review with a unanimous recommendation for approval of all requests for waivers as contained within Item #1 of the engineering review correspondence and written request for waivers as submitted by the applicant.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to grant preliminary/final plan approval to the Moyer Subdivision, pending completion of all outstanding items as noted within Mr. Wynn's May 3, 2004 engineering review. There was no public comment.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to waive the fee in-lieu of recreation land for the Moyer Subdivision in the amount of \$1,962.00 in consideration of the applicant providing the Township with the 15-acre conservation easement. There was no public comment.

2. White Chimney Farms Subdivision – The applicant's representative, Mr. Chris Canovan of W.B. Homes was in attendance to present the plan. This 22-lot subdivision is located at the southwest corner of Blue School Road/Schwenkmill Road in the RR Zoning District, and consists of 36.9 net acres. The applicant is requesting to serve the site with public water from the intersection of Blooming Glen Road and Blue School Road. Lot sizes range from 50,000 sq. ft. to 178,000 sq. ft.

The plan was unanimously recommended for preliminary approval conditional upon completion of all outstanding items as contained within the April 27, 2004 engineering review with the following noted:

- Under Item #2, the engineering review notes that the plan as submitted does not comply with the 9% impervious surface requirement under the current calculations. In the event the Township does not adopt the proposed Zoning Ordinance amendment relative to calculation of impervious surface, the plan must be revised to comply with the 9% coverage limitation, or Zoning Hearing Board approval must be received.
- Double frontage lots are proposed which require a waiver of Section 504.2.1 of the Subdivision Ordinance. A waiver has been requested by the applicant and unanimously recommended for approval by the Planning Commission as noted in Item #3.A of the engineering review.
- Street improvements, including cartway reconstruction/overlay, drainage improvements, cartway widening, curb, and sidewalk along Schwenkmill Road are requested to be waived, as noted in Item #3.B of the engineering review. By a 4:3 vote, the Planning Commission recommended denial of the waivers for street improvements on Schwenkmill Road, which would require the plan to be revised to include cartway widening, drainage, curb, and sidewalk along the site frontage.

As currently proposed, the plan includes shoulder/roadside swale and drainage improvements. Subsequent to the Planning Commission meeting, Mr. Wynn was contacted by W.B. Homes who indicated that they would revise the plan if desired by the Supervisors, however the applicant noted that Schwenkmill Road sidewalk and frontage improvements would terminate at their property adjacent to the preserved lands of Rosenberger. W.B. Homes also indicated they would be willing to offer a fee in-lieu-of the Schwenkmill Road improvements. Additionally, the applicant may request that the entire Schwenkmill Road improvements issue be tabled until final plan review, which would give both W.B. Homes and the Township an opportunity to review a fee in-lieu-of amount.

In view of the Planning Commission's request to retain the rural feel of Schwenkmill Road, Mr. Canovan advised that the applicant has proposed a 75 ft. wide landscape buffer area, with a bermed landscaped area along Schwenkmill and Blue School Roads to shield the development from Schwenkmill Road. The applicant feels that adding curbing, sidewalk, and road widening would certainly defeat the rural feel of the area. In

addition, the property adjoining the site immediately to the east down Schwenkmill Road is permanently preserved lands of Mr. Rosenberger, and therefore, no future development would allow for sidewalk to continue from the site down Schwenkmill Road on the development side of the road. In light of the bridge configuration at the lower end of Schwenkmill Road, it does not appear to Mr. Canovan that the development route would continue that way. The applicant will be providing the ability to connect to future development to the south of the site, with both the cul-de-sac bulb ending where it does and sidewalk running to the property's corner at Blue School Road.

Vice-Chairperson Egly noted that there is existing curbing along Schwenkmill Road near its intersection with Redwing Road. Personally, he would prefer that curbing be required since it would help to prevent the road from breaking away, which would assist with road maintenance. Supervisor Manfredi agreed. Mr. Canovan asked if roadway widening would also be required. Mr. Wynn advised that the road would have to be widened to a 14 ft. width lane. Vice-Chairperson Egly would be agreeable to waiving the requirement for sidewalks, but felt that roadway widening and curbing should be required. Discussion took place regarding sidewalks and/or pedestrian paths that may be required to be constructed with the approval of other upcoming subdivisions in this area.

***8:05PM – THREE PUBLIC HEARINGS - Vice-Chairperson Egly adjourned the May 24, 2004 regularly scheduled Board of Supervisors meeting to enter into three Public Hearings – 1) to receive comments concerning the proposed additions to the Agricultural Security Area, PA Act 43 of 1981, 2) to consider the adoption of a Codification Ordinance of a complete body of legislation for Hilltown Township, and 3) to consider the adoption of an Ordinance electing the administration and enforcement of the Pennsylvania Uniform Construction Code.**

Agricultural Security Area, PA Act 43 of 1981 PUBLIC HEARING:

Mr. Lippincott explained that the Agricultural Security Area Committee, as well as the Hilltown Planning Commission has recommended the addition of the following parcels, including two parcels located in New Britain Township, into the Hilltown Agricultural Security Area. Since both East Rockhill and New Britain Townships do not have their own Agricultural Security Area, they can be included in Hilltown's:

Ott	#15-22-190	47.98 acres
Ott	#15-22-194	10.01 acres
Snedeker/Brewer	#15-17-20-6	10.20 acres
Kulp	#15-11-39	10.08 acres
Young	#15-28-119-4	10.079 acres
Smith	#15-35-63	25.8 acres
Miracle	#15-35-75	15 acres

Miracle	#15-35-74	10 acres
Hermann	#15-35-11-1	11 acres
Romco	#15-28-160	8.4 acres
Haring	#15-17-9	67 acres
Gross (New Britain Twp.)	#26-4-2	24 acres
Kolmus (New Britain Twp.)	#26-4-1	12 acres

Supervisor Manfredi asked if the Supervisors of New Britain have been notified of the interest of two of their residents in being included in Hilltown's Agricultural Security District. Mr. Lippincott advised that they have not. Discussion took place.

Motion was made by Supervisor Manfredi, and seconded by Vice-Chairperson Egly, to grant conditional approval to the above noted additions to the Hilltown Township Agricultural Security Area, pending notification and approval from the New Britain Township Board of Supervisors for inclusion of the two parcels from their municipality.

Public Comment: None.

There being no public comment, motion passed unanimously.

Pennsylvania Uniform Construction Code Public Hearing –

Solicitor Grabowski advised that Hilltown Township had adopted its own construction code several years ago through B.O.C.A. At that time, each municipality had the right to make certain revisions or additions. Over the course of time, however, that has become a quagmire to those in the construction industry because of the wide variety of construction codes being required in various municipalities. The State Legislature then passed a law dictating that a Statewide Uniform Construction Code should be adopted. The Department of Labor and Industry was designated to draft that Code, which is before the Board for consideration this evening. Any municipality has the right to opt in or opt out of the Statewide Construction Code. If a municipality opts in, they themselves will enforce the Code, and if a municipality opts out, the Department of Labor and Industry will enforce the Code.

The Ordinance before the Board this evening was advertised in the Doylestown Intelligencer, and has been on file at the Township office and the Bucks County Law Library for review. The proposed Ordinance provides for the general health, safety, and welfare of the citizens of Hilltown Township, to conform to the requirements of the Pennsylvania Construction Code Act and the regulations that have been enacted by the Department of Labor and Industry. The Ordinance states that "Hilltown Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code." Further, it states that the administration enforcement of the Code within Hilltown

shall be taken in the various appropriate ways that the Township desires, whether by using its own municipal code official, or by having a third party agency do that work for them. The Ordinance would take affect five days from passage, if that should occur this evening.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if the proposed Statewide Code is more or less stringent than the existing Building Code. Solicitor Grabowski commented that paragraph #5 of the Ordinance states "All Building Code Ordinances and portions of Ordinances which were adopted by Hilltown Township on or before July 1, 1999, and which equal or exceed the requirement of the Code shall continue in full force and affect until such time as such provisions fail to equal or exceed the minimum requirements." Therefore, from a legal standpoint, Solicitor Grabowski noted it could be argued that the Statewide Code is more lenient, however the regulations provide that if a local municipality has stricter regulations, they will supercede the Statewide Code. If Hilltown Township does not adopt the Uniform Construction Code, Supervisor Manfredi asked if the same provisions in that Code would be enforced by the Department of Labor and Industry. Solicitor Grabowski replied that was correct. Therefore, Supervisor Manfredi noted that regardless of what the Township does, the provisions of the Statewide Code would remain in place, it would just be a matter of who would be enforcing it. Mr. Dave Taylor, Code Enforcement Officer, agreed with Solicitor Grabowski that the Statewide Code is really just a successor Code. The Building Code previously enforced by Hilltown, with some of its own idiosyncrasies, was essentially the B.O.C.A. Code and others, which were since absorbed by the International Code Council. These Codes were merged in 2000, and are updated every three years.

2. Mr. Jack McIlhinney of Broad Street understands that the purpose of adopting this Statewide Code is to do away with all the idiosyncrasies of the Codes of various Townships. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to **adopt Ordinance #2004-3, electing the administration and enforcement of the Pennsylvania Uniform Construction Code, as noted above.** There was no further public comment.

Codification Ordinance Public Hearing –

Solicitor Grabowski explained that Codification is simply the gathering of all the Ordinances of Hilltown Township to be consolidated into one book. Since the 1950's, there are hundreds of Ordinances that have been adopted by the various Boards of

Supervisors, which have become difficult to track over the years. Therefore, the proposed Codification Ordinance, drafted by General Code Publishers, incorporates all of the adopted Ordinances, and cross references them for ease of review when there are similar laws that have been adopted over the years. Solicitor Grabowski noted that there are no changes to any of the adopted Ordinances; the Codification process is simply the consolidation of all Ordinances. If adopted, the Codification Ordinance would be posted on the Township's website and updated as needed in a timely fashion.

This proposed Ordinance has been properly advertised in the Doylestown Daily Intelligencer on two occasions, legal notices were posted in several conspicuous locations throughout the Township, information was placed on the Township's website, and copies have been available for inspection at both the Bucks County Law Library, and the municipal office.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street questioned the following:

- Section 1.6.D – Mr. McIlhinney asked if the fees listed in this section have been scheduled, removed or changed.

Solicitor Grahowski advised that fees are adopted yearly by Resolution and those fees have not been changed.

- Section 8, Penalties – Mr. McIlhinney asked if those existing penalties of \$600.00 per day or \$1,000.00 per day are still in effect.

Solicitor Grabowski advised that those Zoning and Subdivision civil and criminal enforcement penalties are correct and still in effect.

- Section 1.7 - Mr. McIlhinney commented that it states "The Code could be more stringent than statute" and asked how the Township's Code could be more stringent than the State law requires.

Solicitor Grabowski does not believe that is the intent of the Ordinance.

- Schedule A, Section 98-2 – It appears to Mr. McIlhinney that there is a new fee being proposed for a moving permit.

Mr. Lippincott replied that the Fee Schedule Resolution, which is adopted yearly at the Supervisor's Reorganization Meeting, requires no fee for a Move-in/Move-out Permit.

- Section 1 of 103 – Nuisances – Mr. McIlhinney asked for a description of the phrase “reasonable sensibilities.”

Solicitor Grabowski believes it would be a decision by a Judge or a District Justice.

- Section 143 – Amusement Taxation – Mr. McIlhinney finds it odd that health, fitness, and weight loss establishments are now considered “amusements.”

Solicitor Grabowski commented that is permitted by State law.

2. Mrs. Marilyn Teed of Mill Road raised the following questions and concerns:

- Administrative Legislation – Mrs. Teed noted that Park and Recreation Board was listed, but the Open Space Committee was not listed.

Mr. Lippincott explained that the creation of the Park and Recreation Board was done by Ordinance, but the Open Space Committee was created by Resolution.

- Mrs. Teed asked if this codification would eliminate all of the contradictions in the Zoning Ordinance that have been referred to over the past several years.

Mr. Lippincott replied that it does not address those contradictions. The Township is currently working on a list of those contradictions.

Supervisor Manfredi reiterated the fact that the adoption of this Ordinance consolidates all Ordinances in existence at this time, and that there are no changes or revisions, whether it be to a stand alone Ordinance, or Zoning or Subdivision Ordinance of a substantive nature that would change policy or law.

Motion was made by Supervisor Manfredi, and seconded by Vice-Chairperson Egly, to **adopt Ordinance #2004-4, the Codification Ordinance of a complete body of legislation for Hilltown Township.**

Public Comment (continued)

3. Mrs. Marilyn Teed of Mill Road noted that the proposed Ordinance states “...and that its enactment may decrease or increase the value of certain property within Hilltown Township” and asked what that line means. Solicitor Grabowski explained that by previous court cases, the Supreme Court has suggested to municipal solicitors, that the legal ads that appear in newspapers have to be descriptive. To be descriptive, Solicitor

Grabowski has made the decision that whenever there is any change in the Zoning or Subdivision/Land Development Ordinance, he places that disclaimer in the legal ad so that people understand that the Zoning Ordinance or Subdivision/Land Development Ordinance can conceptually increase or decrease the value of property by its regulation.

There being no further comment, motion carried unanimously and passed.

***8:33PM – Vice-Chairperson Egly adjourned the three scheduled Public Hearings, and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 24, 2004 at 8:33PM.**

E. PLANNING – (Continued) –

2. White Chimney Farms Subdivision (Continued):

- Although not a specific item of either the engineering review letter or action of the Planning Commission, it should be noted that Mr. Canovan of W.B. Homes also advised the Planning Commission that they would work with Donald Strauss, resident on Blue School Road, with installation of additional landscaping on his parcel to reduce headlight impact. A condition of preliminary plan approval should include resolution of additional landscaping on the Donald Strauss property in a manner acceptable to the Township.

Discussion took place concerning the requirement for sidewalks, roadway widening and curbing along Schwenkmill Road.

Mr. Wynn noted that the developer is proposing to offer a fee in-lieu-of dedication of parkland in the amount of \$1,962.00 per lot, as adopted by Resolution. Mr. Canovan commented that the subdivision plan was submitted in 2003, at which time the fee in-lieu-of recreational land was in the amount of \$1,500.00 per lot.

Motion was made by Supervisor Manfredi, and seconded by Vice-Chairperson Egly, to grant conditional preliminary plan approval to the Estates at White Chimney Farms Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's April 27, 2004 engineering review, and to grant the waivers as recommended by the Planning Commission, with the exception of waivers from cartway widening, overlay, curb and drainage improvements along Schwenkmill Road, and with the condition to waiver sidewalk along Schwenkmill Road pending upon acceptance of a contribution by the applicant to the Township Pedestrian Path/Bike Path Fund in the amount equivalent to the cost of the waived sidewalk.

Public Comment:

1. Since the Board is determined to require curbing along the very rural Schwenkmill Road, Mr. Jack McIlhinney of Broad Street suggested that split-faced stone type curb be considered, rather than a white ribbon of concrete curbing, in order to remain in keeping with the rural characteristics. Mr. Canovan explained that Belgian block curb is being used on the subdivision's internal roadway, however once it reaches the PennDot right-of-way, it is not permitted due to PennDot's regulations. The applicant would be willing to provide Belgian block curb along Schwenkmill Road if that is the Board's pleasure. Mr. Wynn noted that the Director of Public Works is opposed to the placement of Belgian block curbing. Discussion took place.

2. Mrs. Jean Bolger of Rt. 152 agreed with Mr. McIlhinney that a Belgian block curb be used along Schwenkmill Road.

3. Mr. Jon Apple of Church Road advised that there is a split-faced granite curb, which is one large unit, in lieu of the small individual curb stones such as Belgian block curbing. If hit by a snowplow, Mr. Apple noted that the individual curbstones could be very easily dislodged, which may be the objection raised by the Director of Public Works with regard to Belgian block curb. Discussion took place.

4. Mrs. Judy Greenhalgh of Blooming Glen Road asked if the public water lines run along South Perkasio Road to Blooming Glen Road. Mr. Canovan advised that there is a fire hydrant at the intersection of Blooming Glen Road and Blue School Road, which is where the development will connect to the public water supply.

5. Mrs. Jean Bolger of Rt. 152 asked if the developer will pay to extend the public water from Blooming Glen Road to the proposed development. If the Hilltown Authority agrees with and approves the developer's design for public water, Mr. Canovan advised that the developer would be installing the public water lines from that point to the site. Mrs. Bolger asked if public water is permitted in the RR Zoning District. Solicitor Grabowski advised that there is a provision in the Zoning Ordinance that allows for the extension of public water in the RR Zoning District. Mrs. Bolger asked how the site will be served for sewer. Mr. Canovan replied that on-site septic systems are proposed since public sewer is not permitted in the RR Zoning District.

In addition to his original motion, Supervisor Manfredi made an amendment to include a meeting with the Township Engineer and Director of Public Works to discuss the issue of cobblestone, Belgian block, or similar-type curbing material being installed along Schwenkmill Road as specified by the Township Engineer for the Estates at White Chimney Farms Subdivision, unless the Director of Public Works can show a detriment to the health, safety, and welfare of the public by the placement of that type of curbing.

Vice-Chairperson Egly seconded the original motion and the amendment, and it carried unanimously. Motion passed. There was no further public comment.

3. Coventry Meadows (a.k.a. – Ziegler Tract) – The 25-lot subdivision located on Orchard Road within the CR-2 Zoning District was unanimously recommended for preliminary approval by the Planning Commission subject to completion of all outstanding items within the May 5, 2004 engineering review with the following noted:

- Proposed impervious surface within the subdivision exceeds the impervious surface ratio of the current Zoning Ordinance. Similar to the White Chimney Farms Subdivision, Planning Commission approval is subject to the plan being revised to comply with the impervious surface ratio, or Zoning Hearing Board approval must be received, unless the Township adopts the proposed Zoning Ordinance amendment relative to calculation of impervious surface ratio.

Waivers requested by the applicant as discussed in Item #3.A and B in the engineering review are addressed as follows:

- Section 504.2.K relative to lot depth to width ratio was recommended for approval by a 5:2 vote with a deed restriction (conservation easement) being placed on the rear of Lots #15 through #17 to protect the wooded area.
- Section 513 is requested to be waived relative to installation of sidewalk along Tall Oaks Drive within the site. Tall Oaks Drive is an extension of an existing cul-de-sac street that was constructed with Belgian block curb and no sidewalk. The installation of sidewalk along the two lots within the current subdivision would terminate mid-block with little potential for extension to Orchard Road in the immediate future. Additionally, installation of sidewalk would require more extensive tree removal at the boundary between the existing Tall Oaks Subdivision and Coventry Meadows Subdivision. The Planning Commission recommended waiver of the sidewalk on Tall Oaks Drive by a 5:2 vote.
- Pursuant to Item #5 in the engineering review, the applicant has agreed to reduce the cul-de-sac length to 250 ft. since the adjacent parcel is deed restricted and future extension of the cul-de-sac is not practical. Additionally, with the reduction of the cul-de-sac length, the detention basin will be enlarged to further reduce the rate of runoff to adjoining properties.

- Pursuant to Item #13 of the engineering review, the applicant is proposing to donate a fee in-lieu-of recreation land. The Planning Commission's motion for preliminary approval includes a request that written correspondence be received from the Park and Recreation Board relative to consideration of a tot lot in the vicinity of Lot #7, and a possible trail. The applicant has appeared before the Park and Recreation Board, however no written communication has been received by the Planning Commission to date. Mr. Wynn believes this matter should be tabled until final plan consideration. In the event a fee in-lieu-of recreation land is accepted, Mr. Wynn recommended that the applicant also donate funds equivalent to the required playfield, tot lot, and water fountain required pursuant to Section 525.2.A of the Subdivision Ordinance.

Mr. Mike Backenich, the applicant's legal counsel, along with Mr. Scott Guidos, the applicant's engineer, and Mr. Doug Sanders, Mr. Chris Gillan, and Mr. Bob Brown, of the Barness Organization, were in attendance to present the plan. Mr. Sanders advised that the Telford Borough Authority and the Hilltown Authority would not issue a "will serve" letter until the plan has received preliminary approval. Discussion took place.

Supervisor Manfredi asked if the developer has spoken to neighboring residents from the Tall Oaks Subdivision, who are very concerned about the proposal. Mr. Sanders has spoken to Mrs. McConnell, Mrs. Zawicki, and Mr. Morrison, and has attempted to contact Mr. Fox, a contiguous property owner who is presently on vacation. Several of these individuals along with others were present at the Planning Commission meeting last week. Supervisor Manfredi asked if any of the proposed trail systems would be located in an area that would perhaps bring public traffic into an area that would invade someone's privacy. Mr. Sanders replied that the Comprehensive Plan shows the proposed trail system 75 ft. south of the applicant's property line along the Morrison property. The Morrison property is deed restricted against any future development under requirements of a previous subdivision. Mr. Morrison had told Mrs. Bush of the Bucks County Planning Commission that he is willing to take the trail system at some point in time.

Public Comment:

1. Mrs. Nancy Boice of Mill Road commented that at the Planning Commission meeting, discussion took place regarding the fact that there is a PP&L easement along the southern edge of the proposed trail system, and that perhaps it could tie into the trail system. This is something Mr. Sanders intends to investigate.
2. Mrs. Marilyn Teed of Mill Road asked if the bulb of the cul-de-sac in the Tall Oaks Subdivision would be totally removed. Mr. Wynn agreed that was correct.

3. Mrs. Irene McComell of Narothyn Road advised that there is a PP&L easement through her side yard. She did some research on the proposed trail system and noted that the trail is proposed to go through a deed restricted private property, not through her property. There is also a drainage easement through the neighboring deed restricted private property, and Mrs. McComell does not understand how a trail system could also go through that property. Mrs. McComell contacted PP&L who advised they would not be agreeable to constructing walking trails under their power lines. Vice-Chairperson Egly was concerned about that as well. Mr. Wynn noted that the Township currently has a paved walking path under PP&L power lines, which has been permitted in the past, however they require that the path be constructed to roadway standards so that their equipment can access it. Mrs. McComell objects to the proposed walking path.

4. Mrs. Jean Bolger of Rt. 152 asked who would maintain the tot lot if it were constructed in this subdivision. If a tot lot were to be constructed, Mr. Sanders advised that the Homeowner's Association would maintain it.

***9:13PM – The Board of Supervisors recessed the regularly scheduled May 24, 2004 Hilltown Township Board of Supervisors meeting to obtain a legal opinion from the Township Solicitor.**

***9:26PM – The Board of Supervisors resumed the regularly scheduled May 24, 2004 meeting.**

Supervisor Manfredi explained that the reason he requested a recess for a legal opinion was because the Planning Commission provided a recommendation of preliminary plan approval to this plan with respect to the conditions set forth in Mr. Wynn's May 5, 2004 engineering review, with one of the issues being the extension of public water and sewer into the Residential Zoning District. Supervisor Manfredi sought clarification from Solicitor Grabowski as to whether or not there was a prohibition in the Zoning Ordinance for extension of public water and sewer into the RR Zoning District. Supervisor Manfredi advised that it was the Solicitor's opinion that there is no prohibition to public water and sewer in the RR Zoning District in the Zoning Ordinance. Mr. Wynn commented that this subdivision is located in the CR-2 Zoning District.

Public Comment (Continued) –

5. Mr. Harry Mason of Morgan Lane recalls that the residents of the Tall Oaks Subdivision took Tall Oaks Drive back from the Township and that it was no longer a public street. Mr. Wynn disagreed, noting that Tall Oaks Drive is on the Liquid Fuels Map and is indeed a public street. Discussion took place. Solicitor Grabowski advised that there was a deed for the roadway provided to the Township by the developer, which has been recorded at the Bucks County Courthouse. Further, in order to "take

back" a public road, there is a process called Road Vacation, which has never been done, nor has there ever been any suggestion for Solicitor Grabowski to do so.

Motion was made by Supervisor Manfredi, and seconded by Vice-Chairperson Egly, to grant conditional preliminary plan approval to the Coventry Meadows Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's May 5, 2004 engineering review, and with the caveat that further investigation be given to the proposed trail plan in the Comprehensive Plan, as well as consideration of the neighboring property owners to be resolved during final plan approval.

Public Comment (Continued) –

6. Mrs. Nancy Boice of Mill Road asked the status of the proposed recreation land for this development. Mr. Wynn advised that one of the conditions of the recommendation for preliminary plan approval by the Planning Commission is that written correspondence be received from the Park and Recreation Board relative to consideration of a tot lot in the vicinity of Lot #7 and a possible trail.

Motion carried unanimously and passed. There was no further public comment.

4. Mascaro/PECO Lot Line Adjustment – The Planning Commission unanimously recommended preliminary/final plan approval to the Mascaro/PECO Lot Line Adjustment located at the intersection of Maron Road and Rt. 309/Bethlehem Pike conditional upon completion of all outstanding items as contained within Mr. Wynn's May 7, 2004 engineering review. Waivers as requested by the applicant and discussed within Item #1 and #3 of the review were also unanimously recommended for approval with the condition that the ultimate right-of-way area of Maron Road along the frontage of "proposed remaining lands" be dedicated to the Township as an easement at this time.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked what PECO could do with their remaining lands. Mr. Wynn advised that the parcel, which is approximately 17 ½ acres, containing the overhead utility lines would have to be removed before the site could become buildable.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to grant preliminary/final plan approval to the Mascaro/PECO Lot Line Adjustment plan, pending completion of all outstanding items as noted in Mr. Wynn's May 7, 2004 engineering review, including approval of the requested waivers, with the condition that the ultimate right-of-way area of Maron Road along the frontage

of “proposed remaining lands” be dedicated to the Township as an easement at this time. There was no further public comment.

5. Oskanian Tract Subdivision –The 34-lot subdivision on 64 acres located in the RR Zoning District, with frontage on Hilltown Pike and Rt. 152 was unanimously recommended for preliminary plan approval by the Planning Commission, subject to completion of all outstanding items as contained within the May 7, 2004 engineering review. The site is proposed to be served by public water and on-lot sewage facilities. The plan also includes street improvements along Hilltown Pike, with internal streets at 28 ft. wide with curb and sidewalk. Waivers requested by the applicant and as contained in a memo dated April 26, 2004, and attached to the engineering review were addressed as follows:

- Waiver of Section 304.J.4. was approved by a 6:1 vote provided a fence is installed around the detention basins using concrete fence posts.
- A waiver of Section 505.16 relative to cartway overlay on the State highway was unanimously recommended for approval.
- Item #6 of the engineering review identifies that Lot #24 is a double frontage lot in violation of Section 504.2.B and I of the Subdivision Ordinance. The Planning Commission will reconsider this lot in the final plan stage, in the event the applicant submits a written waiver request. Since no written waiver request was submitted with the preliminary plan relative to this issue, the Planning Commission’s recommendation for preliminary plan approval includes a requirement that the plan be revised to remove the double frontage lot.

Mr. Wynn is aware that a written waiver request for the above noted issue was faxed to the Township office today or last Friday, however the Planning Commission has not had the opportunity to review that, and further, it was not submitted in accordance with Ordinance requirements.

Mr. John Van Luvanee, the applicant’s legal counsel, along with Mr. Dave Anderson and Mr. Don Ritchie of Toll Brothers, the applicants, and Mr. Jim Takacs and Mr. Jeff Madden, the applicant’s engineer, were in attendance to present the plan.

With regard to the double frontage lot, Mr. Van Luvanee believes this configuration actually falls within the language of the Subdivision Ordinance, and therefore may not even require a waiver. The SALDO contains an exemption that suggests that double frontage lots are not to be encouraged or permitted, except where they are necessary by reason of the layout of the subdivision, which Mr. Van Luvanee feels is the case in this

instance. He believes that in order to bring the road in to the parcel and provide the necessary looping, while keeping the lot length within the parameters of the Ordinance, the applicant has been essentially pushed to this type of configuration with respect to Lot #24.

Mr. Van Luvanee stated that this plan also has impervious surface ratio issues that would meet the requirements in the proposed Ordinance amendment that has been advertised for Public Hearing. He understands that the Planning Commission made a similar recommendation with respect to this plan, as they did with regard to the other two major plans discussed this evening, which is for the applicant to either seek a variance or revise the plan to comply with the Ordinance, unless the proposed Ordinance amendment is adopted.

Mr. Wynn's review notes that consideration should be given to installing streetlights at sharp bends in the roadway, in addition to the proposed intersections. If this additional lighting is not deemed necessary or appropriate, Mr. Wynn advised that the applicant should request a waiver in writing to permit the reduction in streetlight installation requirements from those identified on the plan. Mr. Van Luvanee advised that the applicant is willing to provide street lighting in accordance with the Ordinance requirements or at the Board's direction. He pointed out that each lot will contain a driveway light that will provide additional lighting, which the applicant feels would be adequate. Mr. Wynn explained that he is suggesting that two additional streetlights be located at the hard bends in the road, in addition to the ones that would be installed at intersections.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 requested clarification of the location of the Catholic cemetery in relation to the site, since her husband is buried very close to this property line. She is aware that the church has requested that the applicant construct either a berm or a fence between the cemetery and the proposed subdivision. Mr. Takacs noted that he has never received any requests from the church regarding that issue. Mrs. Bolger commented that the formal request was sent to Toll Brothers directly. Mr. Van Luvanee advised that Mr. Ritchie spoke with Father Kelly, and the concern that was expressed was the drainage swale, however there was no discussion about a proposed buffer.

2. With the advent of West Nile Virus, Mrs. Maureen Ballard of Mill Road suggested that some type of mosquito control be required for the proposed detention basin.

3. Mrs. Sandy Williamson of Mill Road questioned the street light requirement in the RR District, and asked why so many are needed, because she feels it will only add to

the light pollution problem that is becoming prevalent in the Township. Mr. Wynn explained that the Ordinance technically requires a great deal more street lights than have been proposed in various subdivisions. Typically, streetlights are required at intersections, at sharp bends in the roadway, in those subdivisions where there are sidewalks with pedestrian traffic, or at the end of cul-de-sac turnaround areas. He noted that the streetlights being installed at present have caps on, which diminishes the skyward lights.

Supervisor Manfredi encouraged Mrs. Williamson to attend the Public Hearing where the proposed Lighting Ordinance will be considered to state her views.

4. Mrs. Marilyn Teed of Mill Road commented that the proposed development on Schwenkmill and Blue School Roads included a great deal of buffering to shield the new development from the roadway. Mr. Takacs replied that there will be a natural buffer from the existing wooded area, which will remain, and along Hilltown Pike, there is a complete buffer proposed along the entire rear of the lots, as well as along the entire property frontage. Discussion took place. Mr. Van Luvanee stated that there will be a landscaping berm along with the landscaping on the final plan.

5. Mr. Hans Sumpf asked the location of the proposed sidewalk in relation to the church. Mr. Takacs replied that the sidewalk is proposed to be extended to the north to the church.

Motion was made by Supervisor Manfredi, and seconded by Vice-Chairperson Egly to grant conditional preliminary approval to the Oskanian Tract Subdivision, subject to completion of all outstanding items as contained within Mr. Wynn's May 7, 2004 engineering review, and to grant the waivers as requested by the applicant, except for the issue of the double frontage lot, which will be addressed during final plan stage in the event the applicant presents a written waiver request.

Public Comment (Continued) -

6. Mrs. Judy Greenhalgh of Blooming Glen Road asked if the developer plans to buffer the berm from the Skunkhollow quarry site from the dwellings that would have a direct view of it. Mr. Canovan replied that the entire existing vegetation strip to the north will remain and will not be disturbed.

7. Mrs. Jean Bolger asked if the developer will be notifying potential homebuyers that there is an active quarry in the neighborhood. Mr. Dave Anderson of Toll Brothers replied that each of the buyers at the time they sign their Agreement of Sale have to sign an Absolute Disclosure, at which time the developer will provide the buyers with a copy of the approved plans showing the adjoining properties and their uses. Solicitor

Grabowski noted that the Township also has a Disclosure Ordinance in place that must be presented to, reviewed, and signed by potential homebuyers of lots in subdivision.

Motion was carried unanimously and passed. There was no additional public comment.

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

1. St. Phillips Orthodox Church Cemetery – The maintenance period for the St. Phillips Orthodox Church has been successfully completed with reinstallation of plantings within the detention basin area. Mr. Wynn recommended acceptance of completion of the land development improvements maintenance period. These improvements consisted of the turnaround area on Sunny Road, stormwater management facilities on-site, and landscaping.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept completion of the land development improvements maintenance period for the St. Phillips Orthodox Church Cemetery Land Development. There was no public comment.

2. Car Sense – Correspondence has been received from the owners requesting that the Township consider a contribution in-lieu-of reinstallation of landscaping in the rear of the site. Landscaping was installed pursuant to the land development plan, but has subsequently died. Rather than reinstall the landscaping on a portion of the site that abuts lands owned by Bucks County for flood control, the applicant is offering to donate funds (unspecified amount) to the Township to utilize for landscaping elsewhere on public property. Mr. Wynn recommended approval of this concept subject to the donation amount being acceptable to the Board of Supervisors.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to accept a contribution in-lieu-of, with the fee to be determined at a future Supervisor's meeting, for reinstallation of landscaping in the rear of the Car Sense site. There was no public comment.

Vice-Chairperson Egly suggested that Car Sense be encouraged to change their advertisement from "Car Sense of Hatfield Township" to "Car Sense of Hilltown Township."

3. Mr. Wynn advised that the Myer's Tract Subdivision has granted a written extension for review of their plan until July 31, 2004.

4. Mr. Wynn received copies of correspondence from the Cutler Group, who is about to commence with improvements at the Reserve at Hilltown/Hilltown Ridgc.

The developer has notified neighboring property owners of their intent to begin blasting, and have indicated in correspondence to the Township Solicitor that they desire to proceed with tree clearing and other construction activity, noting that they are not permitted to record the plan and cannot obtain any building permits for dwellings until the plan has been recorded. Further, the developer notes that they cannot record the plan until Development Agreements are executed and until completion of all outstanding conditions of approval. The greatest outstanding issue is Planning Module approval from DEP for the proposed treatment plant that is being designed by the Hilltown Authority. Within correspondence to Solicitor Grabowski, the Cutler Group advised that any cost incurred by the Township during inspection of public improvements would be compensated. Discussion took place.

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

1. All applications for the vacancy on the Open Space Committee have been forwarded to the Board for consideration, and will be forwarded to the Open Space Committee members for review as well.

2. B & D Custom Builders has provided a \$500.00 escrow and requested a sketch plan meeting with Township staff to discuss a possible six-lot subdivision of the Tucciarone property located at 1521 Hilltown Pike. Supervisor Manfredi requested a briefing of the conversations of this meeting.

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

1. The 2004 Fire Protection Agreements with Telford Fire Company and Dublin Fire Company were available for Board's signature following the meeting.

Motion was made by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously to authorize the execution of the 2004 Fire Protection Agreements with Telford Fire Company and Dublin Fire Company following this meeting. There was no further public comment.

2. Correspondence was received from PennDot once again denying the Township's request to install a traffic signal at the intersection of Diamond Street and Orchard Road. Discussion took place.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road asked what legal matters the Board discussed in Executive Session prior to this meeting. Solicitor Grabowski replied that he briefed the Board on the two proposed Ordinances that were coming up for Public Hearing.

Mrs. Teed asked how much the Codification Ordinance will be sold for. Mr. Lippincott advised that the fee has not yet been determined, however he noted that it will be available on-line for free.

Mrs. Teed has heard that the Township will no longer hold applications for consideration of vacancies on various boards and commissions for up to one year, as has been the practice in the past. Supervisor Manfredi believes that he and Vice-Chairperson Egly had indicated that each time there is a vacancy, a resident must now submit a new application. Mrs. Teed does not recall that the Board of Supervisors ever reached a final decision. Mr. Lippincott was directed to review the minutes to determine if a final decision was ever reached.

2. Mrs. Judy Greenhalgh of Blooming Glen Road asked if all of the witnesses who previously testified at the Quarry Hearings would be brought back for additional testimony at the June 3rd or June 7th meetings. Solicitor Grabowski clarified that the witnesses who testified concerning the Skunk Hollow Quarry will be present. Mrs. Greenhalgh advised that the residents never had the opportunity for all the witnesses who testified at the Blooming Glen Quarry to be present, which she believes was stated to be the case at a previous hearing. Discussion took place. Solicitor Grabowski suggested that Mrs. Greenhalgh raise this issue at the June 3, 2004 meeting. It is his recollection that H & K agreed to provide only the witnesses involved with the Skunk Hollow Quarry site in attendance, since representatives of the church were not always present at the hearings. Mrs. Greenhalgh noted that it is important to remember that there were some unanswered questions that were brought up at the hearings regarding the Blooming Glen Quarry as well. One of those questions in particular was whether or not blasting affects the underground water streams, to which there was no satisfactory answer given. Mrs. Greenhalgh also noted that since DEP issued the permit for H & K to go down from 200 to 300 ft. at the Blooming Glen Quarry on March 30, 2004, the gallons of water pumped out daily would increase from 900,000 gallons to 1.75 million gallons.

3. Mrs. Alice Kachline of Mill Road, Hilltown Township Tax Collector, asked the status of the possible Ordinance to have deeds recorded here at the Township office, which was tabled from a previous meeting. It was Mrs. Kachline's understanding that as of June 1, 2004, the County would have the new imaging system available, which would provide municipalities with instant knowledge of new property ownership.

Supervisor Manfredi was told that the County proposed to have the new imaging system up and running at the beginning of June. He directed Mr. Lippincott to contact the Recorder of Deeds office to determine if that in fact did occur, and to ask if they have been forwarding new deed recordings to Mrs. Kachline in a timely manner as previously indicated. Mrs. Kachline advised that there is a meeting at the School District this evening where the budget could be passed, and then within a week to 10 days, she would be required to forward bills to homeowners. Recently, Mrs. Kachline briefly reviewed information on some of the developments today and determined that there is in excess of 100 individuals who have moved into their homes that she is not aware of. A lengthy discussion took place.

Mrs. Kachline was unable to attend the last Planning Commission meeting when one of the largest developments to hit this Township was discussed at length. One issue Mr. Brooke Rush mentioned at that meeting was that 20% of residents of age-restricted communities are not required to be over the age of 55, which means there would be additional children enrolled in the schools. However, one of the arguments the developers of over-55 communities have used in the past is that there would be no impact on the school district. Supervisor Manfredi attended that Planning Commission meeting, where someone did raise a question about the 20% Fair Housing Act provision. Legal counsel for the applicant, Mr. Tom Heckler, stated that while it is true that they must provide for that, there is nothing that says children must be permitted. Solicitor Grabowski advised that at this point, no re-zoning petition has been filed with the Township, however the developer has indicated that they intend to do so, at which time the Township will hold Public Hearings. Currently, the Township does not know exactly what the developer will be proposing until a petition has been received. Discussion took place.

With regard to the Reserve at Hilltown/Hilltown Ridge, Mrs. Kachline understands that blasting must be 250 ft. from any adjacent homeowners. Mr. Wynn disagreed, though he does not know the exact distance, he believes the requirement is approximately 100 ft. from any dwelling, which is a State requirement, not a Township requirement. Mrs. Kachline has concerns about the blasting and its affect on her dwelling and the water supply. Mr. Wynn informed Mrs. Kachline that this is very shallow surface blasting for public utilities, which is much different from quarry blasting, for instance. Mrs. Kachline asked if this blasting would affect her very shallow well and asked what she can do to protect her home. Solicitor Grabowski suggested that Mrs. Kachline notify the developer and ask them to include her property in the monitoring of the blasting. Mr. Lippincott previously provided Mrs. Kachline with a phone number given by a representative of the Cutler Group, which she stated is 610-584-6020.

4. Mrs. Jean Bolger of Rt. 152 thanked the Board for asking for public comment while discussing the issues of various subdivisions prior to a vote being taken.

5. Mrs. Maureen Ballard of Mill Road lives approximately 300 ft. from the proposed blasting at the Reserve at Hilltown/Hilltown Ridge site. Her well is located in fractured shale. Mrs. Ballard is a geologist by training, and is aware that the energy waves from the blasting will upset a great deal of the silt in the fractures. If she experiences problems from the blasting, Mrs. Ballard asked who would be liable for re-drilling her well or connecting her property to public water. If that is the case, Mr. Lippincott directed Mrs. Ballard to contact the phone number Mrs. Kachline just read, as they are the responsible party. If that were to happen, Supervisor Manfredi asked Mrs. Ballard to contact the Township office to make them aware of it as well. Mrs. Ballard asked who monitors the blasting. Mr. Wynn advised that the developer hires a firm to monitor the blasting, and those records are then provided to DEP, who regulates blasting.

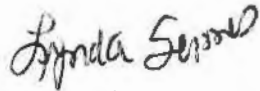
6. Last year, Mr. Dave Hirsh of Hilltown Pike commented that the Supervisors advertised for citizens to apply for vacancies on various boards and commissions in the Township. The direction was that those boards would interview the candidates, then recommend three individuals to the Board of Supervisors for further interviews. In January of 2004, Mr. Hirsh and two other individuals were interviewed by the Board of Supervisors for a vacancy on the Zoning Hearing Board, however no further contact was ever made. Then in February, there was an advertisement on the Township website seeking residents to apply for a vacancy on the Zoning Hearing Board. Mr. Hirsh feels it is common courtesy to acknowledge the candidates who have been interviewed and to apprise them of the status of the vacancies. Supervisor Manfredi agreed with Mr. Hirsh, and felt that the Township's policy should be to acknowledge applicants immediately after their interviews in a letter signed by the Board of Supervisors. Vice-Chairperson Egly reminded Supervisor Manfredi that none of the three Board members could come to a conclusion to choose one of the applicants, and noted that the vacancy has not yet been filled. Mr. Lippincott explained that the staff sends letters to applicants once the Board makes a decision and the vacancy is filled. Until that time, however, the staff does not know that any of those individuals is no longer being considered for a vacancy, and until they have been informed by the Board of Supervisors, no letters are presently sent to any applicants. Discussion took place. Vice-Chairperson Egly understands Mr. Hirsh's point and hopes that the situation can be rectified. Further, Supervisor Manfredi stated that at the conclusion of an interview, the applicants should be made aware, via correspondence from the Board of Supervisors as to the status of the vacancy. Vice-Chairperson Egly agreed.

K. SUPERVISOR'S COMMENTS: None.

L. PRESS CONFERENCE: No reporters were present at this time.

M. ADJOURNMENT: Upon motion by Supervisor Manfredi, seconded by Vice-Chairperson Egly, and carried unanimously, the May 24, 2004 Hilltown Township Board of Supervisors meeting adjourned at 10:37PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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