

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, May 12, 2003
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Betty P. Snyder at 7:38PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
John S. Bender, Supervisor
Gregory J. Lippincott, Township Manager
Thomas A. Buzby, Director of Public Works
Christopher Engelhart, Chief of Police
Charles Guttenplan, Township Planner
Lorraine E. Leslie, Township Treasurer

Chairperson Snyder announced the Board met in Executive Session prior to this meeting in order to discuss real estate and fact finding.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF CURRENT BILLING: Chairperson Snyder presented the Bills List dated May 13, 2003, with General Fund payments in the amount of \$214,696.37, Fire Fund payments in the amount of \$23,358.00, and State Highway Aid Fund payments in the amount of \$15,483.79; for a grand total of all payments in the amount of \$253,538.16.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated May 13, 2003 as written. There was no public comment.

C. TREASURER'S REPORT – Chairperson Snyder presented the Treasurer's Report with the following balances as of April 30, 2003:

General Fund Checking	\$ 293,841.00
Payroll Fund Checking	\$ 144.46
General Reserve Fund Checking	\$ 4,579.54
Open Space Fund Checking	\$ 392,925.92
Fire Fund Checking	\$ 82,041.12
Debt Service Fund Checking	\$ 215,300.05
State Highway Aid Fund Checking	\$ 244,932.73
Escrow Fund Checking	\$1,025,662.09
Capital Projects Fund	\$ 638,223.14

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated April 30, 2003, subject to audit. There was no public comment.

D. POLICE REPORT – Chief Christopher Engelhart – Chief Engelhart read the Police Report for the month of April, 2003; a copy of which is on file at the Township office.

Chief Engelhart advised that there was an armed robbery at the Pansy Shop on May 7, 2003, which is still under investigation.

The Police Department will be phasing out the e-mail address of HTPD@Fast.Net; and will replace it with police@hilltown.org in the near future.

E. BUILDING REPORT – Mr. Taylor was not present. A copy of the Building Report for the month of April, 2003 is on file at the Township office.

F. HILLTOWN AUTHORITY REPORT– No one was present. A copy of the Hilltown Authority Report for the month of April, 2003 is on file at the Township office.

The treatment facility began accepting flow on April 29, 2003 and is operating smoothly. Chairperson Snyder would like to arrange a tour of HTWSA's new sewage treatment facility. Discussion took place.

G. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the period of April 12 through May 9, 2003; a copy of which is on file at the Township office.

Due to lack of available revenue, the paving projects Mr. Buzby wished to accomplish this year cannot take place. The paving of Green Street will be contracted out. Hilltown's Public Works Department will be joining forces with East Rockhill Township, who owns a larger paving machine, to pave Chalfont Road and Upper Church Road in Hilltown. Hilltown's Public Works Department will then assist East Rockhill with some of their paving projects. Some roads will be oil and chipped as well. This will provide for the most road repairs as possible out of the monies available.

Supervisor Bennington asked when the soccer fields on Telegraph Road could be used. Mr. Buzby explained that those fields were just over-seeded by Moyer and Sons, who recommended that the fields not be used this year at all. He anticipates that the fields would be available for use in the spring of 2004.

H. HILLTOWN FIRE COMPANY REPORT – Mr. Larry Woodward, President – Mr. Woodward read the Hilltown Fire Company Report for the month of April, 2003; a copy of which is on file at the Township office.

I. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie, Chief – Mr. Gillespie read the Silverdale Fire Company Report for the month of April, 2003; a copy of which is on file at the Township office.

J. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairperson – Mr. Kachline presented the Planning Commission Report for the month of April, 2003; a copy of which is on file at the Township office.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road requested that the entire Planning Commission Report be read aloud or at the very least, a brief synopsis be presented. Mr. Kachline complied.

K. PARK AND RECREATION BOARD REPORT – No one was present.

Public Comment:

1. On behalf of himself and his family, Mr. John Gillespie of Moyer Road thanked the Township and the Park and Recreation Board for the wonderful presentation and tree planting made in his late wife's honor on May 10, 2003. Mrs. Nancy Gillespie was a former member of the Hilltown Township Park and Recreation Board.

L. OPEN SPACE COMMITTEE REPORT – No one was present.

M. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson – Mr. Snyder presented the Zoning Hearing Board Report for the month of April, 2003; a copy of which is on file at the Township office.

N. CONFIRMED APPOINTMENTS:

1. Mr. John Howard, Architectural Studio – Public Works Building Status Report – Now that the winter is over, Mr. Howard advised that the construction is moving at a fair pace. The main concrete floor slab is now complete, including the in-floor heating system. Concrete walls are approximately 85% complete. Steel is presently being installed for the mezzanine, which is also approximately 85% complete. Mr. Howard expects the floor slab for the mezzanine to be poured sometime next week. Most of the metal frames have been installed and the exterior wall girders are being installed

at present. He believes that siding will be installed shortly, possibly next week. The fire protection system installation has begun, with piping approximately 15% complete. The plumbing systems are progressing well, with all the underground plumbing has been installed. Some of the heating ductwork is on-site and should be installed shortly. Mr. Howard expects the boiler and air-handling units to be delivered within a few weeks. The contract's substantial completion was set for the middle of May, however due to the severe winter weather, the contractor believes the target date for completion will be July 24, 2003, which is approximately two months past the anticipated completion date.

2. Ms. Julia Stevens, Dunlap Associations – Year 2002 Audit Report – Ms. Stevens provided a brief overview of the 2002 Audit Report. At the end of 2002, there was a carry forth surplus of \$347,000.00 in the General Fund. In the Special Revenue Funds, which includes Liquid Fuels, Open Space, and Fire, there was \$251,000.00 at the end of the year. The Capital Projects Funds, which includes the construction of the new Public Works building, contained \$1,056,000.00 at the close of 2002. The Debt Service Fund contained \$185,000.00.

Under the "Account Group" section of the audit, Ms. Stevens noted that the General Fixed Assets of the Township totals \$5.8 million dollars. The total general long-term debt at the end of 2002 was \$2,887,000.00.

The total revenues collected for the General Fund increased by \$500,000.00 from the prior year, which was a 20% increase. The expenses increased by \$500,000.00 from the prior year, which is a 14% increase. Overall, there was a surplus in the General Fund of \$54,000.00, which was an improvement over the prior year. The total revenues in the Special Revenue Funds increased from \$568,000.00 to \$1.3 million dollars, mostly due to the Open Space grants received, and a full year in the Earned Income tax increase. Also, under the Capital Projects Fund, Ms. Stevens noted there was loan proceeds of \$3 million dollars for the open space purchases.

Ms. Stevens referred to the Budget to Actual statements, noting that the Township projected a small deficit, however there was actually a small excess in the General Fund. Also in the Special Revenue Fund, a small deficit was projected, but there was actually a small excess, which was favorable for the Township.

With regard to the funding progress of both the Police Pension Plan and the Non-Uniform Pension Plan, both plans are in good shape and have assets in excess of the liabilities.

O. PROPOSED COMPREHENSIVE PLAN REVIEW – Mr. Charles Guttenplan – Mr. Guttenplan responded to correspondence from the Hilltown Landowner's Association dated April 22, 2003:

- Why are the public comments from the Planning Commission meetings of August 7, 2002 and August 15, 2002 not included in the Comprehensive Plan as previously indicated?

Mr. Guttenplan explained that any requested changes from the Planning Commission, at the Board of Supervisor's request, will be inserted in the document in the appropriate location. If the Supervisors wish the full text of those requested changes from the Planning Commission in the final document, that can be accomplished. Mr. Guttenplan noted those changes were in the distributed copies, and he is not sure why the copy being reviewed by the Landowner's Association did not include them.

Mr. Jack McIlhinney of the Hilltown Landowner's Association advised that the remainder of the questions on page 1 had been addressed at the last meeting.

- Please explain in detail the term "Development District Concept" as it is used in the Plan.

Mr. Guttenplan explained that "Development District Concept" is the underlying concept of the Land Use Plan, and is a carry-over from the 1991 Plan. The concept has not been changed. It refers to those land use categories where development is preferred, such as CR-1, CR-2, and the various non-residential districts. Mr. Guttenplan advised that it is essentially everything with the exception of open space and Rural Residential. One of the things Mr. Guttenplan suggested is that on page 32 in the Land Use Plan Element, "Development Areas," should be revised to "Development Areas/Development District."

- Please explain the omission of the word "public" as specified in Article I, Section 27 of the Pennsylvania Constitution when referring to "natural resources" (pg. 17). Is this an assumption by the Township that the control exercised over public lands may, by right, be exercised over private property without due process or just compensation?

Mr. Guttenplan agreed that the word "public" is referenced in several places on page 17 of the document, on page 41 and in other places. This wording was taken directly from the 1991 Plan, which the Task Force and the Planning Commission felt was appropriate. Mr. Guttenplan does not believe that there was ever any intent to infringe upon rights or exercise control over private property that without requiring due process or just compensation; they were just some basic goals on natural resources.

- Under Farmlands, what is meant in the opening statement "...that steps be taken to preserve the better agricultural lands?" What is meant by item #4 "...legitimate land use?"

Mr. Guttenplan stated that the term "better agricultural lands" was a term taken directly from the 1991 Plan. In his opinion, what the Task Force meant by the term "legitimate land use" was a legally recognized land use, it wasn't just land that was left-over and therefore, farmed. Mr. Guttenplan does not believe there was ever any significant discussion by the Task Force as to what the term meant, rather the assumption was that it was to include the more productive farmland.

- Per Community Development, please indicate which natural areas of the Township are to be preserved without development? Whose property? What are the criteria and set by whom? Is there due process and just compensation?

Mr. Guttenplan does not believe this language means a taking of land, rather it is a general goal type of statement. How it would be accomplished could be through many means, including acquisition, open area, and performance subdivision, or any number of ways.

- Under the Community Planning objective (pg. 21), what is meant by "...under other goals and objectives?" Are the goals not restricted? What does item #3 mean?

Again, some of this is carried over from the 1991 Plan. Mr. Guttenplan explained that the various goals are not necessarily restrictive, they really interrelate with each other. Some of the goals under housing and open space would work toward this general objective. Mr. Guttenplan stated that the goals definitely interrelate.

Item #3 of Community Planning states "To develop regulations so that the landowner has a variety of methods for the use of his or her land." Mr. Guttenplan advised that item #3 is also essentially from the 1991 Plan, which would allow for different development options through zoning, where appropriate.

- Under Historic Preservation, who decides what is historic? Will there be due process and just compensation for property devaluation and limitation of use? Under what authority are private farm structures and private farmland deemed historic.

Mr. Guttenplan advised that this has not yet been determined. Ultimately, he believes that it will be the Board of Supervisors, with advice from whatever groups they feel are appropriate, who make that decision. Options such as Historic Commissions, and things of that nature, are suggested in the document as a way to determine, at a future time, what is historic and how they should be protected. There was never any intent in the document, as Mr. Guttenplan recalls, that the Township would be taking or restricting

land without going through the normal course of events or processes provided. Supervisor Bennington asked what Mr. Guttenplan sees as the main function of a Historic Commission. Mr. Guttenplan replied that the commission would be formed to advise the Supervisors on matters of historic preservation, the same as the Planning Commission advises the Board on planning matters. For instance, if there is a request to place something on the National Register, or to recognize a village area to more status in terms of historic preservation, or to consider some Ordinances to provide bonuses for preservation of historic buildings in various districts, that commission would be responsible to evaluate the recommendations and provide their opinion. Therefore, Supervisor Bennington noted that the Historic Commission would not make recommendations as to what color of paint or building material would be required for a specific building, etc. Mr. Guttenplan agreed, noting that would be a different issue that the Board touched upon at the last meeting. Such a committee would be established if the Board chose to create another level of control. This may be appropriate in portions of the Township in villages, etc., where there are clusters of historic buildings, if the Township wished to adopt what is called a 167 District. The State permits the adoption of a 167 District if the Township can go through a certain survey to show the Pennsylvania Museum and Historic Commission that there is a particular cluster of buildings that are worthy of being regulated. At that time, a Historic Architectural Review Board would be established to make recommendations to the Supervisors on what is called Certificates of Appropriateness for those types of improvements, and only when they can be seen from the public right-of-way. That, however, is a much stricter level of control. Mr. Guttenplan believes that the Plan mentions in a few locations that it could be considered, however that is not what he is referring to as a Historic Commission, which would only be an advisory board.

Mr. McIlhinney asked how a Historic Commission could consider land historic. Mr. Guttenplan advised that the reference to land would include the whole package, including the farmstead or the farm cluster, and the fact that it is a heritage to another era. The Plan does not refer to the land by itself or even a building, necessarily, by itself; what the Plan refers to is the entire package. Chairperson Snyder reminded Mr. McIlhinney that the Comprehensive Plan is not an Ordinance; rather it is a policy document or a philosophy.

Mr. Guttenplan explained that the Township can protect and regulate natural features through acquisition, through open space in a performance subdivision, or through any number of means that a municipality has at its disposal to control and regulate natural features regulations. Mr. McIlhinney asked if such areas have been designated in the Comprehensive Plan. Mr. Guttenplan replied that there are several maps in the Plan showing natural features, which are essentially carry-overs from the 1991 Plan, since the Task Force felt they have not changed dramatically within the last ten years. He commented that the maps, as such, are not precise. They are maps that were prepared over ten years ago, which are fairly broad and which merely provide an indication of

where the various natural features are located within the Township. If, for instance, you were looking at development or acquisition of a piece of ground, a further study would be required.

- Under Infrastructure, where is the "development district?" What percentage of the Township land area is in this district? What percentage of this district is for residential use only? Why is centralized sewer service limited to the development district? Would not the objectives of item #4 be better served by expanding #3 and #8? Are all of these policies to be applied equally to all the citizens/property owners of the Township? What is meant by item #6 "...where conditions are acceptable?"

Mr. Guttenplan does not have a calculation of the percentage of land area located in the development district, however a quick estimate on his part would be approximately 20%. With regard to what percentage of the development district is residential use only, Mr. Guttenplan does not know.

Mr. Guttenplan explained that centralized sewer service is limited to the development district. The idea of the Plan is that this is the best way to concentrate and limit growth in the RR area by channeling as much as possible into the areas where public facilities (i.e. – sewer and water) are located. This is a commonly accepted growth control practice, which has been relied upon heavily in this document.

Mr. Guttenplan stated that item #4 discourages the use of stream discharge and instead, encourages spray irrigation or other wastewater treatment systems, which replenishes groundwater and provides for adequate controls to be in place to protect the environment, as well as the health and safety of Township residents. Item #3 limits centralized sewage to the development district, and Item #8 encourages Best Management Practices for stormwater management and to consider policies to revise current regulations. Mr. Guttenplan believes that each of these issues must work together, however he doesn't feel that one would take the place of another. Certain areas of the development district would be inappropriate for spray irrigation and things of that nature. As much recharge as possible through various mechanisms should be pursued, however in some areas of the development district, that is just not possible.

As to whether all of these policies are to be applied equally to all citizens and property owners in the Township, Mr. Guttenplan sees no reason why it would be any different.

As to what is meant by Item #6, which states "to rely upon individual and community land disposal systems for development outside the development district where conditions are acceptable," Mr. Guttenplan advised it is speaking primarily to soil conditions of the

site. Mr. Guttenplan would be willing to add the words "soil conditions" if the Supervisors believe it would further clarify the statement.

- Under Open Space, rural atmosphere, open space and scenery are slated to be among the most desirable attributes of Hilltown. What is not stated is virtually all of the land is privately owned and the atmosphere is provided by those who own it, not the Township. Implementation of items #1 through #10 will require taking of property, either outright or the use thereof. Will this be through purchase with due process and just compensation? Will this be through down zoning, density reductions, use restrictions, utility restrictions, development requirements, etc. and if so, will due process and just compensation requirements prevail?

Mr. Guttenplan explained that any open space would be acquired through proper legal regulation, and noted that nothing would be done to take land. Voluntary actions, obviously, would also further these goals, however he stressed that they would be voluntary. Open space could also be acquired through the Township open space program, or other agencies and bodies that either hold open space easements, conservation easements, or are preserving lands and resources.

- When will Map #2 – Existing Land Use be updated to show the correct current usage of parcels? What is vacant land indicated on Map #2? Various parcels shown as agriculture are no longer so; giving the impression of viable farming entity when only a marginal one exists. How much of the land shown as agriculture is actually owned by the few remaining active farmers?

Mr. Guttenplan has no idea how much of the land shown as agriculture on Map #2 is actually owned by active farmers, noting that it is not an ownership analysis. He feels it is very important to understand that this map is a "snapshot in time," and the time was July 27, 2000, which is the last date of the map update. Mr. Guttenplan advised that Map #2 is an important map in terms of giving the basic pattern of development in the Township, however it doesn't alter its usefulness if one or two parcels happen to change use between then and now.

He explained that the term "vacant" is essentially anything that is not in any other category. If it was not active farmland known to the Township staff at the time the map was done in July of 2000, and it did not have any of the other uses that are enumerated on that map, it would fall into the "vacant" category.

If land has been shown on the map as agricultural but is no longer, Mr. Guttenplan explained that it was because in July of 2000, it was judged to be such, though it may not be today.

- Why does Map #3 – Land Use Plan, show the expanded Village Center in conjunction with the receiving area of the “recommended” TDR program? Why are landowners in the RR district to be coerced into joining a “voluntary” TDR Program under the threat of “...decreasing the by-right density permitted in the RR District...?” In light of these courses of action proposed for Blooming Glen VC, i.e. “normal” 20,000 sq. ft. lots, high density TDR development and historic preservation, what becomes of the hundreds of acres of “permanently preserved land” encompassed within the expanded VC?

Mr. Guttenplan advised that the VC areas on the map that are shown in the document that was circulated, are not expanded. At the last meeting, there was a lengthy discussion about TDR's, where the Supervisors agreed that that discussion would be simplified in the final document, stating the basic reasons for TDR's, that it requires further study, and why a feasibility study is being recommended if this implementation technique is to be considered further. Mr. Guttenplan noted that the Village Centers are not shown as receiving areas at this point. Any spot in the document that speaks to the VC Zoning District as receiving areas, has been requested to be removed by the Planning Commission, which will be accomplished in the final document.

- What is the Conservation District? Why is its existence solely for the benefit of those in the Development Areas? Why does the residential land use in RR raise more concern about safe and adequate water supply than residential land use in CR-1, CR-2 or VC? In terms of usage does a 50,000 sq. ft. developed residential lot with 2.81 residents use more or less water per resident if on a central community water system rather than an individual on-lot well? Likewise for all other lot sizes in all other districts? Under what legislation is authority given to deprive landowners in the RR district to well water based on land area for the benefit of high-density districts without due process and just compensation?

Mr. Guttenplan stated that the Conservation District is essentially the RR Zoning District. He advised that there is no public water in most of the RR area, however there is public water in many of the other Zoning Districts, including CR-1, CR-2, and VC. Therefore, when relying upon groundwater, there is obviously more concern.

With regard to water usage, Mr. Guttenplan believes that the same amount of water would be used, however the water would be obtained from a different place, which holds true for all of the lot sizes in all other Zoning Districts.

Concerning the question of authority given to what Mr. McIlhinney believes is depriving landowners in the RR District of well water, Mr. Guttenplan believes that comment is a misinterpretation of the intent of the Plan. The Plan is simply attempting to show where public water is located, explain the Township's policy for expansion of public water service, and determine what development should be in areas with public water, and determine the potential pitfalls of relying on too much groundwater.

- What is the total acreage of all lands within the Township considered as "open space" as indicated in the Plan's Natural Resources/Open Space Element? Include all lands of state, county, local, federal, Sewer & Water Authority, school districts, public and private institutions, conservancies, private wildlife refuges, private open space, trails and easements for same, reservoirs, airports, gliderports, power line easements, athletic associations, golf courses, etc. (The amount listed is approximately 1,500 acres and is not all-inclusive). In light of the fact that the most stringent NRPA guidelines require 10.5 acres per 1,000 population, the current requirement would be 127 acres. When the Township is "built-out" by 2030, the population would be approximately 24,000 requiring 252 acres. We already have that in just Township holdings today, without Berry Brow. What is the ultimate acreage goal? What is the cost to the Township both in upkeep and portions being non-productive in tax revenue?

Upon reviewing all of the documentation on pages 56 through 57, (excluding Berry Brow), the total is 1,217 acres. That does not include trails and trail easements, since Mr. Guttenplan does not have those figures. Mr. Guttenplan advised that there really is no ultimate acreage goal. The 10.5 acres per 1,000 population is a very, very loose rule of thumb, it is not quantifying or providing a standard for these other open space categories, like conservation easements, etc. Therefore, it is a bit difficult to take the numbers in the Plan and say that it means the Township has too much. Mr. Guttenplan feels that the Plan is very clear in that certain areas of the Township should be protected, not necessarily only through acquisition, but through open space, performance subdivisions, land conservatories, conservation easements, and any of a number of mechanisms that both this Plan and the Open Space Plan recommend to the Township. Mr. Guttenplan does not know the cost to the Township in upkeep for open space land and portions being non-productive in tax revenue. Chairperson Snyder does not feel those figures would be appropriate for a Comprehensive Plan anyway. Mr. Guttenplan agreed.

- Since private wells are expected to continue to be the primary source of water in the Township, will the current philosophy of allowing up to a million gallons of water per day (5 times what the HTWSA pumps) offered free from the quarries, continue to be pumped downstream?

Chairperson Snyder does not feel that it is a question that should be addressed at this point, with two quarry expansions pending because she feels that any answer in either direction might be misperceived.

- In Rural Residential, individual on-lot residential septic systems return all their on-site well water to recharge the groundwater while large sewage treatment plants for high density areas direct discharge vast amounts of well water into streams with no recharge, why would there be a preference to have high density areas, such as expanded VC at 5 units to the acre, at the expense of landowners in the RR? That is, requiring 3 acre zoning until such time that public water is available when all this water will be returned to the ground?

Mr. Guttenplan explained that high density is a way of channeling growth to allow more overall preservation, which is simply a balancing of goals. Obviously, the Plan is sympathetic to recharge, however in certain portions of the Township, well water cannot be relied upon while having the densities that exist in the development district, and with the zoning currently allowed in that Zoning District, based on this Plan. Chairperson Snyder noted that any new developments would be required to meet recharge demands, because State requirements have changed. (A lengthy discussion took place, however most of Mr. McIlhimey's comments could not be heard since he did not approach the podium).

Chairperson Snyder felt this discussion should be held with Mr. Wynn since there are different restrictions and different rules for different watersheds. At the last meeting, Mr. Guttenplan recalls that the Board directed him to meet with Mr. Wynn to revise the Stormwater Management section of the Plan, since the draft had been taken from the 1991 Plan, which requires updating.

- Pennridge Water Resources Plan (see discussion at meeting of March 10, 2003).

This will be addressed once Mr. Guttenplan and Mr. Wynn revise the Stormwater Management section of the Plan, as noted above.

- Under Stormwater Management, does not our current Stormwater Ordinance of 1993 already comply? If not, where not? Does recharge

apply to existing development? Is the law to be equally applied to all landowners? How does the Standard Peak Attenuation Method aid in promoting recharge? In the recharge district, from where did the 0.25-acre ft. per ace of impervious surface come? What is and why is the peak rate of runoff reduced by 90% of predevelopment peak rate runoff? Why is the impoundment district required to have special treatment?

This will be addressed once Mr. Guttenplan and Mr. Wynn revise the Stormwater Management section of the Plan, as noted above.

- Why isn't Appendix A listed in the index and included in the website? Who wrote the Appendix A responses to the public comment? Why aren't the Bucks County Planning Commission reports included?

Mr. Guttenplan believes the Township Planning Commission wrote the responses in Appendix A, and he does not know why they were not on the website. Further, it is the determination of the Board of Supervisors as to whether or not the Bucks County Planning Commission reviews are included in the final document.

- Why isn't a zoning map included in the Plan with an explanation of the differences from the land use plan?

The Task Force did not feel it was necessary to include the zoning map, because generally this Plan was very consistent with the Zoning Ordinance/Map. Mr. Guttenplan felt it was important to understand that the Land Use Plan and the current Zoning Map are extremely consistent now, and any changes that would be made would presumably be made in the direction of additional consistency in the future. If there is a zoning change made that is inconsistent, Mr. Guttenplan noted that the law requires the Plan to be updated to be consistent. Another reason Mr. Guttenplan personally does not like to see a Zoning map included in a Comprehensive Plan is because it can be very easy to confuse the two maps. The Comprehensive Plan is a policy document, while the Zoning Ordinance is regulation and law. Even though they have a close correlation and relationship, Mr. Guttenplan advised they are different documents and they have different purposes.

- What will be the impervious surface ratio for the Township property at Rt. 152 and West Creamery Road be when the current maintenance building project is completed? Will there be retention, impoundment and recharge?

Mr. Lippincott advised that there will be a retention basin and recharge for the new maintenance building. He will determine the impervious surface ratio and provide that figure for the Hilltown Landowner's Association. Chairperson Snyder does not feel this

information is germane to the Comprehensive Plan and does not feel it should be included in the document.

- Page 68, reference to Fig. 14, should read Figure 12.

Mr. Guttenplan advised this is just an editorial comment, and the correction will be made. However the correction was listed incorrectly - actually, Figure 12 should read Fig. 14.

Mr. Guttenplan responded to questions and comments in correspondence from Telford Borough Authority dated March 6, 2003, with regard to the proposed Comprehensive Plan. He advised that most of the comments and questions are directed to the water and wastewater-related issues included in the Community Facilities Element.

- There are five water authorities providing public water service in the Township, although most residents rely on individual on-site wells for their water needs. These five are: HTWSA, North Penn Water Authority, Telford Borough Authority, Perkasio Borough Authority, and Blooming Glen Estates. (Based on the description provided in the Plan, Blooming Glen Estates is a privately owned centralized system, i.e. it is not a municipal authority as are we and the others. While having nothing to do with us, you may want to have this minor technicality corrected).

Mr. Guttenplan will make this correction.

- The Plan states "public facility planning is the responsibility of the HTWSA." While this statement would certainly apply to the service territory of the HTWSA, it is our opinion that the other water purveyors, including this Authority, be included in any planning process, particularly as it applies to our respective service territories. We are not certain whether the other Water Authorities have a formally defined service territory, as is the case for our facilities in the Township. As you may know, in our case such planning has always been a part of our efforts in the past, and it will certainly continue in the future. We believe that we have a primary responsibility for water and sewer service related aspects for such planning within our service territory, and the Plan should make a clear reference to this fact.

If the Board so desires, Mr. Guttenplan will modify the text to reflect this request. The Supervisors directed Mr. Guttenplan not to make any changes to the text.

- "Private wells are expected to remain the primary sources of water for the Township." We believe this statement should be tempered by making

reference to any planning implemented by us (and the other Water Authorities). As already stated above, we believe it is our option to provide water service to residents in our service territory as may be feasible and/or requested by residents or the Township, if we choose or if there is a demand for it that we wish to meet, under our original service agreement with Hilltown, dating back to the early 1970's. We strongly recommend that our water and sewer service area (as well as the other water purveyors' service areas) be referenced and clearly plotted on "Map #12."

Mr. Guttenplan explained that Map #12 shows water and sewer lines and problem areas, however it does not show any individual service areas or jurisdictional areas. That first statement noted above regarding private wells is a generalized policy statement that Mr. Guttenplan does not believe needs further explanation. The Board agreed with Mr. Guttenplan that the language should remain the same.

- The Plan states "HTWSA does not have a specific plan of action for development or construction of new water lines or facilities." Implementation of extensions would occur on an "as-needed basis." We believe your Authority should develop at least a conceptual plan for needed or desirable water system improvements. Here, too, that statement would seem to apply to HTWSA's service area and not to the other purveyors' territories. In our case, there is a conceptual plan of water main extensions, loops, reinforcements, and facilities applicable to our entire water system, including Hilltown. For example, our current planning for Well No. 7 includes provisions for satisfying (future) demand in Hilltown.

The Supervisors agreed that the statement as noted is sufficient and noted that no changes should be made.

- As far as sewer aspects are concerned, the Plan notes that an Act 537 Sewage Facilities Plan was adopted in November of 1999. As you will recall, we had some comments on the Sewage Facilities Plan version that had been submitted to us.

No response required.

- There are "five different Sewer Authorities, but most of the Township is not served by any central system." Obviously, these five Authorities include our system (the others being the HTWSA, Perkasio Borough Authority, Hatfield Township Municipal Authority, Souderton Borough,

and Chalfont-New Britain Township Joint Sewer Authority); needless to say, Souderton Borough is not a "Sewer Authority."

Mr. Guttenplan does not feel that any change is necessary, and the Board agreed.

- "With the exception of the westernmost area, it is recommended...to extend existing public sewer lines." As we see it, the westernmost area includes our sewer service area. As already noted for water service aspects above, we believe we ought to be included in the planning process and be consulted on such a recommendation. From a Comprehensive Planning perspective, it makes sense to extend existing facilities to provide service to adjoining areas needing or desiring service, within the confines of Zoning provisions. Of course, your Zoning regulations should take public utility service availability into consideration, and focus on less dense areas for recommendation to avoid utility service extensions.

Mr. Guttenplan agreed that the statement is true and believes that is what the Township has said throughout the entire document. The Supervisors agreed.

- The Plan "outlines six key recommendations for wastewater facilities in the Township." For our service area, "...continued reliance on treatment facilities of the PWTA (Pennridge Wastewater Treatment Authority) is recommended. This is consistent with our own plans. It is interesting to note that the Plan specifically refers to the "...TBA Area of jurisdiction (emphasis added)." This reference is appropriate and should be emphasized to a greater extent throughout applicable sections of the Plan, including those dealing with water service. There is also a reference to the "joint effort between Telford and PWTA to expand the existing plant and for Telford to purchase additional capacity," which is accurate and factual.

Comment only, no changes necessary.

- The Plan makes reference to the "Pennridge Water Resources Plan," in which Telford Borough was not a participant. The Water Resources Plan incorporates a number of recommendations, reiterated in the Plan that could impact our provision of public water and sewer service in Hilltown Township, including the formation of an "Intermunicipal Water Resources Committee," the development of a "Model Water Resources Management Ordinance," the establishment of the "Pennridge Area Watershed Management Program," the development of a "Source Water Protection Program," in which we are already involved, and the preparation of an "Integrated Water Resources Plan." These are good recommendations,

and we suggest that our involvement be highlighted, to the extent of need pertaining to our service territories.

Supervisor Bennington noted that TBA does not participate in the PACC. Mr. Guttenplan advised that the Task Force's comment on the Pennridge Water Resources Plan in the document is really just a factual comment stating this is what the document is recommending. Mr. Guttenplan will update any information as required.

- "Development Areas from the Land Use Plan are unchanged from the 1991 Comprehensive Plan." We have not seen that Plan and cannot offer comments, other than to restate the need to consider the availability of water and sewer service in the determination of Development Areas, i.e. consult us on issues dealing with water and sewer service within our service areas in the Township.

The Board felt no revisions were necessary.

- The Plan recommends that "close monitoring and coordination of the growth within the Development Areas" should continue to be performed by the Township and HTWSA. Here, too, our involvement (and that of the other utility service providers) should be stated and implemented.

The Board felt no revisions were necessary.

- "The Community Facilities Plan currently does not propose any changes to the existing public services within Hilltown Township." We have not been consulted in the development of this statement. There is a statement indicating the need for "consultation between the municipal staff and other agencies guiding those public services (emphasis added.)" Any "Community Facilities Implementation Strategies" most definitely should include us (and the other service providers).

The Board felt no revisions were necessary.

- Under the heading, "Plan Element Interrelationships," the statement is included that "it is the intent that most of the development occurs in areas only currently serviced by existing utilities (sewage disposal and water supply)..." This statement should not be inconsistent with actual utility availability and planning purposes. The Plan goes on to state "future growth is confined primarily to the CR-1 and CR-2 areas, as well as existing industries and commercial areas. This would allow development to be reduced in the rural residential areas, and might also be done in

conjunction with allowing an undetermined amount of development to occur around the existing villages, thereby maintaining their viability." Close coordination is desirable and needed to make our goals consistent with the Township's planning goals. As you know, we have expended a great amount of public funds to provide an infrastructure intended to meet water and wastewater needs in the Township, and we need to support that investment with customer revenues. These utility facilities were provided in reliance on the 1970's service agreement(s), and therefore, it is essential that planning and zoning is consistent with the availability of our existing infrastructure and our ability to expand within the delineated service territories, and no unreasonable limitations should be imposed upon our continued viability to render service in Hilltown Township. The statement In the Plan that "new extensions outside of these (CR-1 and CR-2) areas are not envisioned" should be modified to prevent any inconsistency with existing facts and our utility planning needs.

The Board felt no revisions were necessary.

Mr. Guttenplan responded to questions and comments in correspondence from New Britain Township dated February 19, 2003 with regard to the proposed Comprehensive Plan.

- Pg. 1 and 16, Purpose and Goal – Last sentence on page 1 and first paragraph, last line on page 16 may be inconsistent.

Mr. Guttenplan does not believe the line is inconsistent, and the Board agreed.

- Pg. 19 and other, Agricultural Lands – Defining Agricultural lands as Class I, II, and III soils of Statewide and local significance might be stronger.

Mr. Guttenplan advised that the Task Force had a more generic and general meaning to agricultural lands in the Plan, though he does not disagree with New Britain's statement. Therefore, he does not believe that a change is required, and the Board agreed.

- Pg. 23, 63, and others, Transportation Network – 1) We predict significant additional NW-SF traffic on SR 152, Callowhill and Sellersville/Chalfont Road. Nowhere in this document did we find discussion of this potential traffic. 2) The intersections of Hilltown Pike with New Galena and Township Line Roads function as a single traffic system. There are vertical and horizontal curves and a blind spot west bound on Township Linc. Developments in Hilltown, New Britain, and Montgomery County

Townships are contributing and will contribute more traffic to this section. This will be a key area for inter-municipal cooperation in the near future.
3) Traffic volume on Rt. 309 and Rt. 313 continues to increase. Addressing these regional highways is important.

Mr. Guttenplan believes the Board had agreed that it was not appropriate to show specific safety problem areas in the document, and after some discussion and review, the consensus was to re-insert the 1991 Transportation Plan as still relevant, which is what is reflected in this document. The Supervisors agreed.

- Pg. 25, 53, and others, Open Space Preservation – New Britain Township is adopting Watershed (WS) zoning for the North Branch Neshaminy. (Hilltown mapping shows the entire southern area as North Branch. Actually, the southwestern 40%, plus or minus, is west branch watershed.

On page 53, paragraph two; the plan discusses the Pearl Buck region and multi-Township synergies. Is it possible that Hilltown Township would consider WS zoning in the North Branch portion of this region? A copy of our most recent draft is enclosed. We expect enactment April 28, 2003.

Mr. Guttenplan felt that this recommendation was beyond the scope of this document. The Board agreed.

- Pg. 37, New Britain Township – The current plan dates from 1987. In addition, there is a current municipal curative amendment that will recommend Watershed (WS) zoning for the entire North Branch watershed.

Updates and revisions will be made as necessary using the most current New Britain Township Comprehensive Plan.

- Pg. 43, and exhibit behind pg. 45, Topography – As noted earlier, Hilltown is the source watershed area for portions of the North Branch and West Branch of Neshaminy. This is an important distinction.

Upon the Supervisor's direction at the last meeting, Mr. Guttenplan intends to update the watershed information and maps, as necessary.

Chairperson Snyder asked if the correspondence from New Britain Township, Telford Borough Authority, Bucks County Planning Commission, and the Hilltown Landowner's Association should be included in the document. Supervisors Bennington and Bender were agreeable to including the reviews from outside agencies. Discussion took place.

Mr. Guttenplan advised that there are some fairly substantive changes to be made, which he hopes to do within the next two months. Once changes are made, the final Public Hearing will be advertised and held to consider adoption of the proposed Comprehensive Plan.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street asked the approximate cost of the review and revision of the proposed Comprehensive Plan to date. Mr. Lippincott was not certain of the exact figure, however he would gather that information and provide the answer to Mr. McIlhinney in the near future.

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

1. Senator Conti has cancelled the Town Meeting originally scheduled for Wednesday June 4, 2003 because he will be in session that day. He will be rescheduling the Town Meeting during the summer months.

2. The Zoning Report for the month of April 2003 is on file at the Township office.

3. The Heritage Conservancy has received a Technical Assistance Grant from the PA Department of Environmental Protection Agency. The purpose of the grant is to perform riparian buffer restoration and plantings. The only assistance requested by the Conservancy is for the Township's Public Works Department in the form of grading and light site preparation. Mr. Lippincott placed a phone call to the Heritage Conservancy to determine exactly how much work would be required, and was told that they would request the use of a backhoe and an operator for one day.

Supervisor Bennington and Chairperson Snyder agreed to authorize the use of a Township backhoe and operator for one day for use by the Heritage Conservancy in order to perform riparian buffer restoration and plantings through the Technical Assistance Grant from the PA Department of Environmental Protection Agency. Supervisor Bender abstained since his property has a conservation easement across it.

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

1. Correspondence was received from legal counsel for Midlantic Real Estate, Inc., who is the equitable owner of a property located on the northwest corner of Rt. 113 and Rt. 313. The applicant has posted the required \$500.00 escrow and is seeking authorization to meet with Township professional staff to discuss an application

for the possible re-zoning of the parcel from the present RR classification to a Commercial classification to accommodate a CVS Pharmacy.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to authorize a meeting with the Township professional staff and Midlantic Real Estate, Inc. who is the equitable owner of a property located on the northwest corner of Rt. 113 and Rt. 313 to consider the possible re-zoning of the parcel from the present RR classification to accommodate a CVS Pharmacy. There was no public comment.

R. MYLARS FOR SIGNATURE: None.

S. PUBLIC COMMENT:

1. Mr. Jack McIlhinney of Broad Street questioned the announcement made earlier by Chairperson Snyder that an Executive Session was held to discuss real estate and fact-finding. Mr. McIlhinney does not believe that "fact-finding" is considered a legal reason to hold an Executive Session according to the Sunshine Law. It is Chairperson Snyder's understanding that fact-finding is permitted under the Sunshine Law, however the Township Solicitor will be consulted to be sure. Supervisor Bender believes that the Board of Supervisors has the legal right to do fact-finding at any time, not just in Executive Session.

2. With regard to water recharge, Mrs. Marilyn Teed of Mill Road commented that detention basins could be easily retrofitted with stacks to select the level of water desired. Chairperson Snyder noted that it also depends on how much land is available, what types of soils are involved, and how the detention basin functions; nor is it easily accomplished or inexpensive.

T. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington noted that the Memorial Day celebration and flag raising would take place at 10:00AM at the Hilltown Civic Field on Monday, May 26, 2003.

2. Supervisor Bennington encouraged residents to vote on Election Day, Tuesday, May 20, 2003.

3. Mr. Taylor, the Code Enforcement Officer, had included a memo with his written report, recommending the appointment of Mr. Mark Funk to the BOCA Review Board, due to the resignation of Mr. Larry Rice.

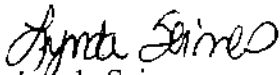
Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to appoint Mr. Mark Funk to complete the remainder of Mr. Larry Ricc's term on the BOCA Review Board until December 31, 2008. There was no public comment.

4. Chairperson Snyder announced the next quarry hearing will be held on Thursday, May 22, 2003 at 7:00PM at the Central Middle School in Silverdale Borough. A tentative date of June 17, 2003 has been set for another quarry hearing, however it has not been confirmed that the Central Middle School will be the location.

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

V. ADJOURNMENT: Upon motion by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously, the May 12, 2003 Hilltown Township Board of Supervisors meeting was adjourned at 9:26PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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