

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, March 10, 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 7:30PM and opened with the Pledge of Allegiance.

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

- A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
- B. COMMENDATION PRESENTATION: The Supervisors presented Mr. Ronald Allen with a Commendation, recognizing his 14 years of service on the Hilltown Township Park and Recreation Board. Further, even though he was not yet present, a Commendation was also provided to Mr. Keith Miller, recognizing his 2 years of service on the Hilltown Township Planning Commission. Chairperson Snyder also expressed gratitude to Mr. Miller for chairing the Comprehensive Plan Task Force, which was a complicated and difficult mission.
- C. APPROVAL OF MINUTES – Action on the minutes of the February 24, 2003 Supervisor's Meeting - Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 24, 2003 Supervisor's Meeting, as written. There was no public comment.
- D. APPROVAL OF CURRENT BILLING - Chairperson Snyder presented the Bills List dated March 11, 2003, with General Fund payments in the amount of \$53,865.13, Fire Fund payments in the amount of \$5.33, Debt Service Fund payments in the amount of \$10.66, and State Highway Aid Fund payments in the amount of \$9,019.39; for a grand total of all payments in the amount of \$62,900.51.

Chairperson Snyder objected to the fact that it took three visits for PP&L to finally repair the light at Hilltown Pike and Swartley Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated March 11, 2003. There was no public comment.

E. TREASURER'S REPORT – Chairperson Snyder presented the Treasurer's Report with the following balances as of February 28, 2003:

General Fund Checking	\$ 77,199.63
Payroll Fund Checking	\$ 144.46
General Reserve Fund Checking	\$ 4,579.54
Open Space Fund Checking	\$ 290,450.14
Fire Fund Checking	\$ 2,247.73
Debt Service Fund Checking	\$ 121,890.77
State Highway Aid Fund Checking	\$ 2,506.94
Escrow Fund Checking	\$ 769,703.80
Capital Projects Fund	\$ 740,798.29

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated February 28, 2003, subject to audit. There was no public comment.

Chairperson Snyder commented that with the rising cost of fuel, consideration should be given to how the Township will fund those costs for operation of municipal vehicles. Mr. Lippincott advised that the Township purchases fuel through the State Contract at a fixed price. Discussion took place.

Mr. Keith Miller arrived and was presented with the Commendation for his two years of service on the Hilltown Township Planning Commission.

F. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the period of February 11, 2003 through March 10, 2003; a copy of which is on file at the Township office.

Mr. Buzby stated that notification had been received from the quarry, advising that there will be a \$4.00 per ton increase in blacktop this year.

Supervisor Bennington asked if PennDot has been made aware of the potholes on State roads throughout the Township. Mr. Buzby stated that PennDot had patched some large potholes on Diamond Street and on Church Road. Discussion took place.

Chairperson Snyder advised that road inspection is scheduled for Saturday, April 12, 2003.

G. POLICE REPORT – Lt. Christopher Engelhart – Lt. Engelhart presented the Police Report for the month of February, 2003; a copy of which is on file at the Township office.

H. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor presented the Building Report for the month of February, 2003; a copy of which is on file at the Township office.

Mr. Taylor advised that the foundation for the Home Depot has been fully constructed, and a majority of the roof structure is nearly complete.

I. HILLTOWN WATER AND SEWER AUTHORITY REPORT – Mr. James C. Groff, Authority Manager – Mr. Groff presented the Authority Report for the month of February, 2003; a copy of which is on file at the Township office.

Mr. Groff is unable to attend the May 14, 2003 Fire Prevention Bureau Meeting, as requested due to a meeting conflict that the Authority has scheduled for that evening. Mr. Groff will reschedule his appearance for another meeting with the Fire Prevention Bureau.

J. HILLTOWN FIRE COMPANY REPORT - No one was present.

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

L. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairperson – Mr. Kachline advised that there was no Planning Commission worksession meeting in March, since the February 17<sup>th</sup> regular meeting, which was cancelled due to the snow storm, was rescheduled for the March 3<sup>rd</sup> worksession meeting date. A brief overview of the March 3, 2003 Planning Commission meeting was provided by Mr. Kachline. The official written minutes will reflect more detail of that meeting.

M. PARK AND RECREATION BOARD REPORT – Mr. Jon Apple, chairperson, presented the Park and Recreation Board Report for the month of February, 2003. The annual Easter Egg Hunt will be held on April 12, 2003, with a rain date of April 19<sup>th</sup> at the Pearl Buck Foundation property, rather than at the Civic Field Park as was the case in the past. Theater Camp is scheduled for July 7<sup>th</sup> through July 11<sup>th</sup>. Arbor Day has been scheduled for Saturday, April 26, 2003 at 9:00AM, and will be dedicated in memory of Mrs. Nancy Gillespie, former Park and Recreation Board member, who recently passed away. Supervisor Bennington advised that there would be a major conflict since April 26<sup>th</sup> is opening day for Deep Run Sports Association. Mr. Apple will provide that information to the Park and Recreation Board and will consider another available date for Arbor Day celebrations.

The Park and Recreation Board is actively considering ideas for funding of the Forest Road Park, and is preparing a very thorough cost analysis of the park.

- N. OPEN SPACE COMMITTEE REPORT – No one was present.
- O. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson – Mr. Snyder read the Zoning Hearing Board Report for the month of February, 2003; a copy of which is on file at the Township office.
- P. CONFIRMED APPOINTMENTS: None.

**\*8:05PM – Chairperson Snyder adjourned the March 10, 2003 Supervisor's Worksession meeting in order to enter into an advertised Public Hearing to consider the adoption of the proposed Comprehensive Plan.**

Mr. Charles Guttenplan of the Waetzman Planning Group, who is the Township's Planner and facilitator of the Comprehensive Plan Task Force, explained that the review of the Comprehensive Plan was conducted over the past two years. The Task Force, whose members were appointed by the Board of Supervisors, is comprised of members of various community groups, boards, and residents of Hilltown Township. The draft Comprehensive Plan was then forwarded for review by the Planning Commission, who held two Public Hearings to learn resident's comments and concerns. The draft Plan has now been forwarded to the Board of Supervisors for consideration, which is protocol under the Municipalities Planning Code, the State law that governs the preparation of the Comprehensive Plan. Mr. Guttenplan noted that the Comprehensive Plan is a long-term guide to physical development of the Township. The last Comprehensive Plan was adopted in 1991. The draft Plan before the Board this evening also takes into consideration the 1998 Open Space Plan by piggybacking on many of the findings and recommendations from that Plan as well. The Goals, Objectives and Policies of the 1991 Comprehensive Plan have been updated by the Task Force, which were subdivided into ten functional areas. Those ten functional areas are as follows:

- Quality of Life
- Patterns of Growth
- Open Space
- Natural Resource Preservation
- Farmlands
- Community Development
- Community Planning and Design
- Historic Preservation
- Infrastructure
- Housing

Goals and Policies have been established for all of the above noted areas. During the course of the review of the Plan in July of 2000, the Task Force mailed a questionnaire to over 4,300 households in the Township. A tremendous return of 52%, or over 2,200 was received. Mr. Guttenplan advised that the return was an incredibly high percentage for a questionnaire of this type, which he feels is extremely representative. Essentially, the overall theme of the Comprehensive Plan is to maintain as much of the character of Hilltown Township as possible, while still managing growth that is projected and is inevitable to occur. The sentiment of the Task Force, as well as that of the public at large through questionnaire responses and public meetings, was to maintain the natural features of the Township, preserve as much farmland as possible, and to contain development as much as legally possible.

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A Demographic Analysis was also conducted in order to determine how the Township has grown over the past 10 or 20 years, what some of the indications of that growth were, and what kind of Township exists today compared to the past. The Task Force discovered that the Township has grown approximately 14% during the decade of the 1990's. The population is aging, which is obviously an implication for planning in terms of what types of facilities the Township might consider in the future. It was determined that there were less people in the young adult age group of 20 to 34 years of age, and more in the 35 to 54 age range, and what is called mature adults, which is age 55 and over, more particularly over age 65, which is also a planning implication for consideration.

The Comprehensive Plan was then written in chapters, or Elements, as they are called in the Municipalities Planning Code. All of the Goals and Objectives, Findings, and Recommendations were put into these various eight or nine Elements, including a Demographic Element, Statement of Community Goals and Objectives, which covers the ten areas Mr. Guttenplan previously read, and the Land Use Element, which looks at the existing land use patterns and projects a Land Use Plan. Mr. Guttenplan presented two maps showing this information. The Land Use Plan is essentially the centerpiece of the Comprehensive Plan, which shows the development pattern as expected over the next decade. There is a Natural Resources and Open Space Element as well. The Natural Resources portion of that Element was largely taken from the 1991 Comprehensive Plan, which really has not changed in any significant way. There are also Transportation and Energy Conservation Elements, Housing Elements, Community Facilities Elements, and an Element that looks at the planned inter-relationships or how the various other Elements of the Plan relate to each other and are coordinated.

Mr. Guttenplan advised that the most important Element is the Implementation Plan, which is called the Action Plan in the Draft. A series of Actions were then divided into priorities, which were based on how quickly the Task Force recommended they should be

undertaken. There were 11 or 12 that the Task Force considered High Priority, which meant they should be undertaken or evaluated in the first couple of years after adoption of the Plan. There are then a series of Medium Priorities, which should be evaluated or acted upon within 2 to 5 years of Plan adoption, and then the remaining Low Priority Items, which would be evaluated or acted upon within 5 to 10 years of adoption of the Plan. Those time frames were included in the draft Comprehensive Plan because the Municipalities Planning Code now requires that a Comprehensive Plan be reviewed once every ten years.

Mr. Guttenplan pointed out the various maps that assisted in the process of reviewing the many Elements. The Task Force found that the Land Use Plan, in the new Comprehensive Plan is very similar to the Land Use Plan in the 1991 Comprehensive Plan. This was a very conscious decision by the Task Force because they wished to contain development as much as they had proposed to do in the past, if they felt it was legally defensible to do so. The Task Force reviewed a build-out analysis to insure that the development areas as proposed in the Land Use Plan would adequately cover all of the projected development within the next 10 years. Having done the build-out analysis through a series of fairly lengthy computations based on the various densities and how many dwelling units would be constructed in each area, how much vacant land was available, and how many individuals those various dwelling units would accommodate, the Task Force came to the conclusion that there was more than enough land using the development areas as they were proposed in the Long Range Land Use Plan in the 1991 document. There was one area of possible additional development, however, if it was needed, in the Long Range Plan in 1991. After going through the build-out analysis it was determined that area was no longer required. There was also an area of possible future Light Industrial Zoning District on the eastern side of the Township, but after looking at the amount of vacant Light Industrial land that was still available, the Task Force felt there was more than enough to accommodate that type of development for the next ten years. The Task Force was comfortable that it can maintain as much Conservation Area in the Township as is shown on the Land Use Plan.

The Planning Commission, after two Public Hearings, provided a few recommendations for some minor changes to the Board of Supervisors, and it is now the Board's determination as to how they choose to accept or reject those recommendations.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street, representing the Hilltown Landowner's Association, questioned Appendix A, first page, B.1 under "Public Comment On Agenda Items Only," the last sentence that reads "Mr. McIlhinney opposes the proposed Comprehensive Plan." Mr. McIlhinney commented that was not what he was opposing, rather he stated he was opposing the fact that there were various references in the

Comprehensive Plan to organizations, plans, and things in the works, which were being incorporated into the Plan with the idea, he assumes, that whatever they come up with now becomes a part of the Comprehensive Plan. At the time, Mr. McIlhinney said that the Comprehensive Plan is now a different type of document where in order to change the Comprehensive Plan, someone must come before the Supervisors to revise the Plan before an individual could proceed, instead of simply going before the Planning Commission with a project if that project was not commensurate with what was in the Comprehensive Plan. Mr. McIlhinney was then told that was incorrect, however the response from the Planning Commission, found in the "Replies to Public Comment from Comprehensive Plan Public Hearings – Public Hearing Date August 7, 2002" states "A new Municipalities Planning Code requirement is that Zoning Ordinances and Subdivision and Land Development Ordinances be consistent with Comprehensive Plans." Therefore, Mr. McIlhinney wished to point out that in fact, he was not incorrect, since the Planning Commission has stated that the Ordinances have to be changed to meet the Comprehensive Plan, or vice-versa. For instance, the Pennridge Area Coordinating Committee (PACC) is referenced in the proposed Comprehensive Plan at various places. Mr. McIlhinney noted that the PACC has not yet completed their water study planning, yet it is referenced in the proposed Comprehensive Plan as if it is part and parcel of that Plan. Mr. McIlhinney does not feel that the PACC study, which is not yet complete, should be referenced in the Comprehensive Plan as though it were.

Mr. Guttenplan explained that the section Mr. McIlhinney referred to on pages 82 and 83 of the proposed Comprehensive Plan was really meant to report that the document (the PACC water study) was underway at the time the Comprehensive Plan was drafted, and it is indicated that it was currently in "draft" form, and therefore, should be considered tentative recommendations. It was merely a matter of reporting something that was relating to community facilities that could affect the Township. Mr. McIlhinney commented that the public did not have the opportunity to review what the Task Force was agreeing to with the PACC. It was Mr. Guttenplan's interpretation that it was not something the Task Force was necessarily agreeing to, rather it was reporting, as of that date, what those recommendations from the PACC were. Mr. Guttenplan reminded the Board that much of what is in the Comprehensive Plan is a reporting of status of certain issues and studies that may affect development of the municipality. Chairperson Snyder did not have a problem with the language, and felt that it was fairly clear that it was proposed language, and that these things do not yet exist. Just because they are mentioned in the Comprehensive Plan, Chairperson Snyder commented that it does not mean that they will come to fruition. Further, when the time comes, the Township has a decision to make as to whether they wish to participate in the items as proposed by the PACC, and Chairperson Snyder does not feel that Hilltown Township is bound by the appearance of these items in the proposed Comprehensive Plan to accept them if and when they choose to. A lengthy discussion took place between Chairperson Snyder and Mr. McIlhinney.

Supervisor Bennington reminded those in attendance that the Comprehensive Plan functions as a guide for the growth of a community for its development policies and Ordinances, and serves as the principal municipal long-range planning tool, which is the first sentence in the Introduction of the Draft Comprehensive Plan. Therefore, Supervisor Bennington feels that the Comprehensive Plan is not something that is "carved in stone," rather it is something that must be reviewed on a regular basis. Further, he agreed with Mr. McIlhinney that the points raised by the PACC must be fleshed out and accomplished before they are considered to be a part of the Comprehensive Plan at this time.

2. Mr. Joe Marino of Redwing Road suggested that if the PACC recommendations are to be included in the Draft Comprehensive Plan, a disclaimer be added stating that those recommendations are not considered part of the Plan until they have been completed and reviewed by the Township. Mr. McIlhinney felt that removing the PACC recommendations altogether would be the best solution.

3. It appears to Mr. McIlhinney that some of the statistics in the Draft Plan are still based on the 1990 Census information, and asked if they will ever be updated. Mr. Guttenplan replied that all of the Census material has been updated.

Mr. McIlhinney referred to page 20 of the Draft Plan, Item #6 under "Policies," which states "To preserve agricultural lands through the use of conservation easements, purchase and/or transfer of development rights, and other appropriate means. Work with the Township and School District to investigate tax relief for farmers." Mr. McIlhinney commented that TDR's should be better defined, and noted that they are mentioned inconsistently throughout the document. Mr. Guttenplan advised that in the Implementation section of the document, it very clearly states that TDR's are something to be reviewed and considered. The Implementation section of the Land Use Plan also clearly defines and explains what TDR's are and why they are being explored.

Mr. McIlhinney asked where in the document it is delineated to specifically protect individual property rights, not just a general one-liner. Mr. Guttenplan feels that it is inherent in the entire concept of the Plan how land is planned affects how individual property values are maintained or not maintained. Chairperson Snyder advised that Mr. McIlhinney is speaking of property rights, not property values. Mr. Guttenplan stated that there is no specific recommendation or policy with regard to individual property rights, rather it is underlying with the whole premise of the Comprehensive Plan. Mr. McIlhinney feels that language regarding property rights should be included in the Plan, outlining that nothing in the Comprehensive Plan will devalue or infringe upon individual property owner's rights. A very lengthy discussion took place.

Mr. McIlhinney also referred to the last line in Policy #6, on page 20 of the Draft Plan, which states "Work with the Township and School District to investigate tax relief for farmers." Recently, Mr. McIlhinney recalls that there was a small group of farmers who sold their development rights, and then appeared before the school district to attempt to get special treatment by having their tax load frozen, which he feels is unfair. It is Chairperson Snyder's understanding that the language in the proposed Plan is for residents who have permanently preserved their land or who have sold their development rights, and Mr. Guttenplan agreed. If that is the case, Mr. McIlhinney believes it is most unfair, and he cited Section 153 of the State Code, which states that those farmers could reclaim the land they sold, simply by paying back the money with no interest, if the Township deems that more land is required for development. Therefore, Mr. McIlhinney objected, noting that no individual taxpayer, be it a homeowner, a farmer or a landowner, should be treated any differently than their neighbor. Chairperson Snyder explained that those individuals would have done a service to this Township by permanently preserving their land, which would guarantee that acreage would not be developed into houses, that would generate students who would tax the school system and municipal roadways, cause congestion, and create a lack of open space. Discussion took place.

4. Mr. Joe Marino of 519 Redwing Road has thoroughly reviewed Section 153 of the State Code that Mr. McIlhinney mentioned earlier, which was designed to encourage farmers to preserve their land. At present, there are 70+ farmers who have been waiting since as long as 1992 to have their land preserved. Mr. Marino wondered where the incentive would be to have your name placed on this list, if you have to wait as long as 10 years to be considered. Further, Mr. Marino feels that it is wrong for one individual to be able to put three or four parcels of land into preservation while another individual may wait for over 10 years to even be considered. Chairperson Snyder suggested Mr. Marino keep his comments germane to the proposed Comprehensive Plan. Mr. Guttenplan asked Mr. Marino to keep in mind that this particular Policy is in the Section of the Plan regarding farmland preservation, and if the Township wishes to consider working on tax relief for other groups, they must consider it in another forum.

5. Mrs. Marilyn Teed of Mill Road opposes any document or wording that forces any resident to appeal to the courts for clarification or protection of their rights, and asked the Supervisors to please remove the questionable wording. Supervisor Bennington asked Mrs. Teed for specifics. Mrs. Teed replied the wording that the Board was just speaking about.

6. Mr. Joe Miketta of 1211 Hilltown Pike originally asked these questions of the Planning Commission, however he was not satisfied with their response. Those concerns are as follows:

- Page 23, Policy #1, last sentence, which states "Farms should be viewed as historic resources."

Mr. Miketta asked what was meant by that sentence. Mr. Guttenplan explained that the Task Force considered farming as an historical way of life, and therefore, they believe that the presence of farms in the Township has some historic quality as well as an economic quality. Also, the heritage related to farms caused that to be recognized as such. Mr. Miketta asked if that means he must preserve his farmhouse and his barn in a certain manner. Mr. Guttenplan does not believe the Draft Plan says that. He feels that the Supervisors, at some future time, can decide whether or not that was to occur. Mr. Guttenplan thinks that this particular language was added to the Draft Plan because the Task Force felt that it is not just the villages of Hilltown, Line Lexington, and Blooming Glen that have an historic quality, but it is also the farms that have a heritage attached to them. Mr. Miketta feels that the land also has an historic quality and heritage to it, and therefore, is confused by the language. He fears what that language could mean in the future, particularly for him. Personally, Mr. Miketta does not want his farm declared historic, because he does not wish to go through a Historic Review Board to do something with his house, his barn or his land. Mr. Miketta, on behalf of the Hilltown Landowner's Association, objected to this language because of what it could mean in the future.

- Page 25, Policy #1, under Open Space/Land Preservation, which states "To maximize buffer areas along tributaries, corridors, and wetlands."

Mr. Miketta asked if that statement will pertain to every individual in the Township, or if it will just be the landowners in the future who want to subdivide. Mr. Guttenplan explained that the language is a recommendation that there be buffers considered along waterways, which would have to be implemented through regulations. Mr. Miketta has problems with that, because if the real purpose is to preserve groundwater quality and protect erosion, then he believes everyone has to participate in it. It should not just be the individual who is subdividing who would be causing trouble. Mr. Miketta could name specific instances in the Township where there are riparian buffer problems, and it is not caused by individuals who are subdividing, rather it is caused by individuals who have already subdivided. Therefore, if this language will require a resident who subdivides in the future to make corrections when a neighboring property owner may have already caused considerable damage, Mr. Miketta feels it is unfair and is not equal protection under the Constitution. Mr. Guttenplan noted that if these regulations would be implemented in the future, like any Zoning or Subdivision regulations, they could not be imposed retroactively, and they could not be imposed on someone who is not subdividing. It does not mean, however, that there can't be other legislation that may impact someone who is doing something that is considered a "nuisance." If the action in question is not included in either the Subdivision or Zoning Ordinance regulations, the

Township could not impose those regulations. If Mr. Miketta will be required to "fix things" that his neighbors may not have to, he would like to have some compensation for that effort, however there is nothing proposed in the Draft Comprehensive Plan that would indicate that compensation would be considered for buffer yards. For instance, if Mr. Miketta were to subdivide in the future, he does not feel he should be required to take that buffer yard area out of the net buildable area, or, if the Township intends to take it out, that he would then receive compensation or increased density somewhere else on the property for that exchange. Mr. Miketta was unhappy with the fact that he would be required to give up buffer zones, but his neighbors would not. Mr. Guttenplan stated that if the Township would consider adopting a Riparian Buffer Ordinance, it would have to be done upon the advice of the Solicitor.

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- Page 32, Land Use Categories, Conservation District, Rural Residential – RR, second sentence, which states "The density of the Rural Residential area is envisioned to have a density of less than one dwelling unit per three acres of land, when the area is not served by public water (as is true for most of the areas)."

Mr. Miketta takes that statement to mean that more than three acres of land will be required per dwelling unit, which he objects to. He was under the impression that if a property is not served by public water, three acres of land is required per dwelling unit. Discussion took place.

- Page 19, Farmlands, last sentence, which states "This plan recognizes agricultural land as a natural resource requiring a high degree of protection from development in order for farming to continue as a viable industry in Hilltown Township."

Mr. Miketta has a great deal of respect for farmers, and his family has always been involved in farming, however he questioned the definition of "viable" with regard to farming in Hilltown Township. He knows of very few farmers anymore that can survive and provide for their families on farming alone. Therefore, Mr. Miketta has difficulty with this statement being included in the Comprehensive Plan. Mr. Guttenplan commented that the word "viable" does not necessarily mean that farming is the only income derived, but rather that the land involved is not considered "junk land."

For the record, Mr. Miketta submitted three documents as the Hilltown Landowner's Association official opinion and/or testimony regarding the proposed Comprehensive Plan Draft, which refer to some of the issues that were addressed this evening.

Chairperson Snyder announced that the Board of Supervisors will not be adopting the Comprehensive Plan this evening, and that a second Public Hearing would be held to

continue discussion of the proposed Plan. Mr. Guttenplan requested that any further comments that Mr. McIlhinney or the Hilltown Landowner's Association may have that are different than those asked of the Planning Commission at their Public Hearing be submitted in writing prior to the next Public Hearing so that he and the Task Force can review them and be prepared to answer those questions. Mr. McIlhinney agreed, but noted that he may have additional questions as well when he thoroughly reviews the Plan once again.

7. Mr. Joe Marino was concerned with statements that had been made this evening that the Comprehensive Plan had to be written so that it was defensible in court. Mr. Marino feels it is wrong to draft a document on whether or not the directives will hold up in court. Supervisor Bennington explained that there are attorneys and developers who will attempt to find every loophole in a Comprehensive Plan or Ordinance in order to attack the laws of the Township, so the municipality is then forced to be able to defend those laws in court. Mr. Guttenplan agreed, and noted that it is extremely important if the Township wishes to achieve its goals. Hilltown Township wants to be able to have a policy that will withstand any legal challenges, as Supervisor Bennington stated.

8. Mrs. Jean Bolger of Rt. 152, who is a member of the Comprehensive Plan Task Force, took exception to Mr. Marino's comments and insinuations, and commented that the purpose of all the meetings and Public Hearings that were held with regard to the proposed Comprehensive Plan, was to be fair and just to all residents. She noted that the drafting of the Comprehensive Plan was not done to oppose any residents of this Township, rather the Task Force supports the residents of this Township. Mrs. Bolger resents the fact that there are residents of Hilltown Township who think the Task Force members were purposely out to "get" someone. She is a resident and a landowner in Hilltown, regardless of whether or not she is a member of the Hilltown Landowner's Association. Mrs. Bolger believes that it is the developers who are the Township's problem, not the residents who live here. She assured the Hilltown Landowner's Association membership that the Task Force and the Township is not out to take anyone's individual property rights away from them, and she personally resents that anyone thinks so.

9. Mr. Joe Miketta of Hilltown Pike agrees with Mrs. Bolger that it is her right to state her opinion, however he would like to have representation of the real landowners in the Township who will be required to implement some of these laws and policies that the Task Force is trying to put into place. Mrs. Bolger commented that every resident is a "real" landowner in Hilltown Township. Mr. Miketta advised that he would be affected by the laws governing the riparian buffer zones, where Mrs. Bolger would not. Mrs. Bolger replied that if she chooses to develop her land, she would also be affected by those same rules. Discussion took place. Chairperson Snyder reminded Mr. Miketta that the Township must adhere to the rules and regulations as provided by the State. Mr.

Miketta understands that, however he noted that it is the Supervisor's decision as to who to appoint to the various boards and commissions of this Township. Chairperson Snyder advised that that comment is not germane to the discussion of the Comprehensive Plan and asked Mr. Miketta to take his seat. Mr. Miketta objected to Chairperson Snyder's comments.

10. Mr. Jim Sensinger of 1411 Rt. 113 questioned the policies and objectives found in the proposed Comprehensive Plan with regard to historical barns or buildings. He noted that residents who do not have a historical barn or building would then not have the expense to preserve and maintain. Mr. Sensinger commented that barns are of so little value in this area any longer because you cannot do much with them, and sometimes you cannot even insure them effectively due to the expense. Mr. Sensinger is opposed to the Ordinances that are being considered in order to maintain the ruralness of Hilltown Township to preserve barns, which are actually located on private property. If this were to be accomplished, Mr. Sensinger noted that the barn on his property is so old and dilapidated that it would be more beneficial to him to burn it down, rather than to attempt to repair it, due to the expense. This is an example, in Mr. Sensinger's opinion, of how these proposed Ordinances could cost one individual a great deal of money, but would not affect another individual. Chairperson Snyder understands and appreciates Mr. Sensinger's comments that some Ordinances may cause difficulties for some but not for others. She advised that the Planning Commission is currently in the process of drafting an Ordinance to allow individuals with historic barns or outbuildings to find additional new uses for those old structures.

**\*The Public Hearing to consider the adoption of the proposed Comprehensive Plan was adjourned at 9:21PM, and the regularly scheduled Board of Supervisor's Worksession meeting of March 10, 2003 was reconvened at that time.**

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

1. Mr. Lippincott provided a copy of a proposed Ordinance revision removing Landscaping as a permitted secondary and incidental use to a Nursery; and changing the maximum density for use B4 within the PC-1 District to 5.0 dwellings per acre. Currently, it is 8.25 dwellings per acre. The Township staff is looking for authorization to advertise this Ordinance amendment. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road recalls the review from the Bucks County Planning Commission, which stated that if Landscaping is removed as a secondary and incidental use to a Nursery that it should be permitted in some other area of the Zoning Ordinance.

2. Mr. Mark Funk of Broad Street currently maintains a permitted Nursery/Landscaping business and asked if this proposed Ordinance revision would affect his current use. Mr. Lippincott replied that Mr. Funk's permitted use would be "grand fathered" and would not be affected by the proposed Ordinance revision.

3. Mr. Jack McIlhinney of Broad Street felt that landscaping and nursery work go hand-in-hand, and therefore, does not believe that Landscaping should be removed as a secondary and incidental use to a Nursery.

4. Mr. Jackson Teed of Mill Road asked how many nursery permits are issued in the Township. Mr. Lippincott believes he has issued 12 to 15 nursery permits since 1997. With over 4,000 properties in this Township, Mr. Teed feels it is ridiculous to go to the expense and the trouble of amending this Ordinance when only 15 nursery permits even exist at present.

A lengthy discussion took place.

5. Mr. Jim Sensinger of Rt. 113 does not understand why the Township would want to remove landscaping as a secondary and incidental use to a nursery and to move that use to a strictly commercial or industrial zoning district. Mr. Lippincott explained that it was his request that the Planning Commission review this Ordinance amendment some time ago, at which time the Planning Commission made a recommendation to remove that language from the Ordinance, and then the Board of Supervisors, after lengthy discussion, decided to table the issue until the review from the Bucks County Planning Commission was received. That review has now been received. Mr. Sensinger feels that a landscaping use should be permitted in all farming operations. Speaking for the Planning Commission, Chairperson Snyder commented it is their intention to determine a clear and concise definition for "landscaping" and then to decide what can be permitted in what zoning district. Mr. Sensinger suggested that the Board wait until the Planning Commission has made their determination of the definition of landscaping and where that use can be permitted rather than amending the Ordinance now as a "temporary fix" and then being faced with the possibility of amending it again in the future, particularly since the issue had been tabled for such a long time. Discussion took place.

6. Mr. Mark Funk of Broad Street noted that in order for a nursery to be viable, an individual not only has to sell the product, they have to install it, in order to provide the whole package to the consumer.

7. Mr. Dan French of Diamond Street feels that it would be dangerous for a very small minority of the Township if the language in the Ordinance were to be changed to put a landscaping business in a Commercial Zoning District, if the Planning Commission is too busy to ever readdress the issue in the near future. He noted that there were many

concerns expressed by the minority residents of the Township earlier in the meeting, because they feel as though the Township is really not looking after them. If this Ordinance is amended, Mr. French believes this would be another good example of how Hilltown Township is not working for its residents.

Mr. John Kachline, chairperson of the Planning Commission, explained the Planning Commission's work schedule at present, and noted that it could take up to a couple of months before they would be able to consider this issue. Supervisor Bender suggested that Mr. Guttenplan, the Township's Planner, review the proposed Ordinance amendment and possibly provide a recommendation sooner than the Planning Commission's two-month time frame. The Supervisors agreed to table the landscaping portion of the proposed Ordinance amendment as noted above, until review by Mr. Guttenplan has been completed.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to authorize the advertisement of an amendment to the Zoning Ordinance with regard to Article II, Section B7, Retirement Village, changing the maximum density for Use B4 within the PC-1 Zoning District to 5.0 dwellings per acre for Public Hearing. There was no public comment.

2. The Souderton, Silverdale, and Dublin Fire Companies have complied with the Fire Protection Contract in full with regard to the submission of financial statements.

3. Mr. Lippincott presented the Zoning Report for the month of February, 2003; a copy of which is on file at the Township office.

4. Notification has been received from PennDot advising that after study and evaluation of the Township's application of November 25, 2002 to install and operate a traffic signal at the intersection of Diamond Street and Orchard Road in conjunction with the Summer Lea Subdivision, the review does not indicate that a traffic signal is warranted at this time. The Township may request a re-study of this intersection in six months or more. A lengthy discussion took place.

The Supervisors directed Mr. Lippincott to forward correspondence to PennDot asking them to re-evaluate the request with the information that 276 units are proposed in the Summer Lea Subdivision at Orchard/Diamond/Hillcrest Roads.

5. Recently the Township has received complaints regarding light pollution. The current Ordinance states that dazzling light and glare cannot cross property lines. Since those terms are subjective, it makes it difficult to enforce. Mr. Lippincott had directed Mr. Wynn to draft a proposed Ordinance to curb light pollution and to make the

Ordinance more enforceable. With the Board's permission, Mr. Lippincott will forward the draft to the Township Solicitor and Planning Commission for review.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the Township Manager to forward a draft Ordinance regarding light pollution to the Township Solicitor and the Township Planning Commission for review and consideration.

Public Comment:

1. Ms. Sandy Williamson of Mill Road is glad that this issue is being brought to the forefront. She advised that light pollution has become very prevalent over the past few years. Ms. Williamson asked if the current Ordinance applies to private residence light pollution as well. Mr. Lippincott replied that it does.

Motion passed unanimously.

6. The Park and Recreation Board unanimously recommended the appointment of Mr. Andy Leszczynski to the vacancy on the Park and Recreation Board.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to appoint Mr. Andy Leszczynski to the vacancy on the Park and Recreation Board with the term to expire on December 31, 2007. There was no public comment.

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

1. Mr. Lippincott read correspondence that was received from Cynthia Gery, encouraging the Township to make a concerted effort to honor and support veterans of Hilltown Township during Memorial Day celebrations at the Hilltown Civic Park.

As a veteran himself, Supervisor Bennington suggested that the Park and Recreation Board plan a special Memorial Day ceremony honoring war veterans, particularly in light of current situations.

2. Correspondence was received from Boy Scout Troop #67, requesting permission to hold a silent auction and flea market fundraiser on the field behind the former Municipal Building in Blooming Glen on Saturday, May 3<sup>rd</sup>, with a rain date of May 10<sup>th</sup>. If the Supervisors grant this request, Mr. Buzby asked that no motor vehicles of any kind be permitted off the macadam parking lot in the field area, which is normally very wet in the Spring.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the use of the field behind the former Municipal Building in Blooming Glen for a silent auction and flea market fundraiser by Boy Scout Troop #67 on Saturday, May 3, 2003, with the proviso that no motor vehicles of any kind be permitted off the macadam parking lot. There was no public comment.

Chairperson Snyder suggested that the field area be roped off by the Public Works Department to insure that no vehicles are driven onto the softball field.

3. A letter was received from Robert Reinhart, the Business Administrator of the Pennridge School District advising of their interest in exploring the possibility of providing public water service to the Seylar Elementary School through the Hilltown Township Water and Sewer Authority. Discussion took place.

S. MYLARS FOR SIGNATURE: Village at Dorchester

T. PUBLIC COMMENT:

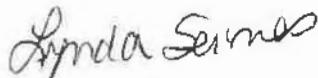
1. Mrs. Marilyn Teed of Mill Road thanked Supervisor Bender for beginning the procedure of opening the floor to public comment throughout the meetings, which is something she knows he started; and thanked him for his problem solving skills with regard to the A2 Nursery issue discussed earlier this evening.

U. SUPERVISOR'S COMMENTS: None.

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

W. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the March 10, 2003 Hilltown Township Board of Supervisors meeting was adjourned at 9:59PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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

Memorandum for: Hilltown Township Supervisors  
Betty Snyder, Chairperson  
Ken Bennington, Vice-Chairperson  
John Bender, Member

From: Hilltown Landowners Association

Subject: Comprehensive Plan Update for Hilltown Township

Date: March 10, 2003

Pursuant to language contained in the proposed Comprehensive Plan Update for Hilltown Township as specifically contained on Page 31, et al, to wit:

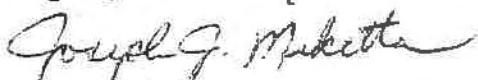
**"The density of the Rural Residential area is envisioned to have a density of less than one dwelling unit per three acres of land, when the area is not served by public water (as is true for most of the areas). In the area where there is public water, development is limited to a minimum of 50,000 square foot lots (1.2 acres), or a cluster option in accordance with the provisions of Hilltown Township's Zoning and Subdivision/Land Development Ordinances."**

Considering this Comprehensive Plan Update will be reviewed for possible approval by the Hilltown Township Board of Supervisors tonight, and that previous oral and written correspondence regarding this language was dismissed by the Hilltown Township Planning Commission, the Hilltown Landowners Association wishes to make clear its position regarding this language as follows.

The Hilltown Landowners Association considers illegal and grossly unfair such restrictive language regarding lot sizes in various areas of the Township. The Hilltown Landowners Association reserves the right to hold the Hilltown Township Supervisors professionally and personally accountable for any policies which limit the use of any property, including farms, in any current or future capacity as a result of this language, and/or for any ordinances which may be enacted to enforce this language.

This memorandum is being submitted as official testimony at tonight's Board of Supervisors Hearing conducted for the possible adoption of this updated Comprehensive Plan.

Signed,



Joseph J. Miketta  
Secretary/Treasurer  
Hilltown Landowners Association

Memorandum for: Hilltown Township Supervisors  
Betty Snyder, Chairperson  
Ken Bennington, Vice-Chairperson  
John Bender, Member

From: Hilltown Landowners Association

Subject: Comprehensive Plan Update for Hilltown Township

Date: March 10, 2003

Pursuant to language contained in the proposed Comprehensive Plan Update for Hilltown Township as specifically contained on Page 22, et al, to wit:

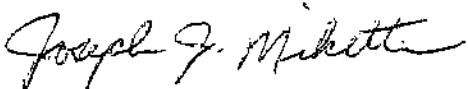
"Policies: I. To preserve, restore, and maintain historic sites, buildings, and neighborhoods and to allow creative re-use of historic structures. **Farms should be viewed as historic resources.**"

Considering this Comprehensive Plan Update will be reviewed for possible approval by the Hilltown Township Board of Supervisors tonight, and that previous oral and written correspondence regarding this language was dismissed by the Hilltown Township Planning Commission, the Hilltown Landowners Association wishes to make clear its position regarding this language as follows.

The Hilltown Landowners Association considers illegal and grossly unfair any attempt to classify farms as historic resources. The Hilltown Landowners Association reserves the right to hold the Hilltown Township Supervisors professionally and personally accountable for any policies which limit the use of any property, including farms, in any current or future capacity as a result of this language, and/or for any ordinances which may be enacted to enforce this language.

This memorandum is being submitted as official testimony at tonight's Board of Supervisors Hearing conducted for possible adoption of this updated Comprehensive Plan.

Signed,



Joseph J. Miketta  
Secretary/Treasurer  
Hilltown Landowners Association

Memorandum for: Hilltown Township Supervisors  
Betty Snyder, Chairperson  
Ken Bennington, Vice-Chairperson  
John Bender, Member

From: Hilltown Landowners Association

Subject: Comprehensive Plan Update for Hilltown Township

Date: March 10, 2003

Pursuant to language contained in the proposed Comprehensive Plan Update for Hilltown Township as specifically contained on Page 24, et al, to wit:

**"To maximize buffer areas along tributaries, corridors, and wetlands."**

Considering this Comprehensive Plan Update will be reviewed for possible approval by the Hilltown Township Board of Supervisors tonight, and that previous oral and written correspondence regarding this language was dismissed by the Hilltown Township Planning Commission, the Hilltown Landowners Association wishes to make clear its position regarding this language as follows.

The Hilltown Landowners Association considers illegal and grossly unfair any attempt to take ground along tributaries, corridors, and wetlands without fair-market compensation. The Hilltown Landowners Association reserves the right to hold the Hilltown Township Supervisors professionally and personally accountable for any policies which limit the use of any property, including farms, in any current or future capacity as a result of this language, and/or for any ordinances which may be enacted to enforce this language.

This memorandum is being submitted as official testimony at tonight's Board of Supervisors Hearing conducted for the possible adoption of this updated Comprehensive Plan.

Signed,



Joseph J. Miketta  
Secretary/Treasurer  
Hilltown Landowners Association

