

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, October 28, 2002  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:34PM and opened with the Pledge of Allegiance.

Also present were:                    Kenneth B. Bennington, Vice-Chairperson  
   Betty P. Snyder, Supervisor  
   Francis X. Grabowski, Township Solicitor  
   C. Robert Wynn, Township Engineer  
   Lynda S. Seimes, Township Secretary

Chairperson Bender announced the Board met in Executive Session following the October 14, 2002 worksession meeting to discuss personnel matters, and also met in Executive Session prior to this meeting in order to discuss legal matters.

**A.    PUBLIC COMMENT ON AGENDA ITEMS ONLY:**

1.     Mr. Harry Mason of Morgan Lane read the following statement into the record regarding the proposed Zoning Ordinance Amendment for Age-Restricted Communities - "Many older people are faced with the choice of going into a nursing home or having home care. This could mean that a caregiver could be under 55 years of age, and be required to live-in for an extended period of time. An additional third bedroom could benefit the caregiver. Even people younger than 55 years of age have the occasion to take care of an ailing parent, hence, the need for some dwelling units to have three bedrooms. Just because we do not have a proactive Zoning Officer is no excuse for limiting age-restricted housing to less than 3 bedrooms."

Mr. Wynn explained that the Planning Commission has drafted an Age-Restricted Community Amendment to the Zoning Ordinance, which is before the Board this evening requesting authorization for his office to review the Amendment and make comments. Mr. Wynn advised that this is an Agenda Item for this purpose only.

2.     Mrs. Marilyn Teed of Mill Road has been present for the Planning Commission's discussions of the Age-Restricted Community Ordinance Amendment. She commented that not only is the Zoning Officer not proactive, she feels that the entire Planning Commission is not proactive. Mrs. Teed stated that development is coming, and the Township should be concentrating on guiding that development in a direction that they want it to go. Mrs. Teed encouraged the Township to have a proactive attitude, which she believes will allow certain development to happen easier and more attractively. From what Mrs. Teed understands, there is no difference between a Performance Subdivision and the Age-Restricted Communities or Retirement Villages. She believes

that Age-Restricted Communities should be encouraged and that the Ordinance should provide for incentive to welcome this type of housing. Discussion took place.

Supervisor Snyder advised that the Planning Commission is not opposed to the concept of Age-Restricted Communities, however they do not believe that there is any particular advantage to encouraging it for several reasons. The Bucks County Planning Commission's recommendation agreed with the Hilltown Planning Commission, after they witnessed other municipalities being "burned" by age-restricted housing. She explained that age-restricted communities do bring a bonus of children because the residents who move into age-restricted housing leave a house with bedrooms, that a new family with children moves into. Therefore, not only is there the extra traffic and congestion from age-restricted housing, but there are new school age children moving into the homes that were vacated. Supervisor Snyder commented that there is not a particular advantage to having age-restricted housing and there may not be any advantage in encouraging it. This is why the Planning Commission has not sought to pursue age-restricted housing for the Township. A lengthy discussion took place.

3. Mr. Richard Smith encouraged the Planning Commission to review other neighboring municipalities that currently have age-restricted communities, such as Neshaminy Falls.

Supervisor Snyder advised that there is no guarantee that age-restricted communities will remain as such, because if the units cannot be filled, the owners can then sell or perhaps a family will inherit the property. Further, there have been test cases proven in the courts stating that children cannot be prohibited from age-restricted housing.

B. APPROVAL OF MINUTES – Action on the minutes of the September 23, 2002 Supervisor's Meeting – Supervisor Snyder noted the following typographical errors:

- Page 2, last paragraph, should read "In response to Mr. Lippincott's correspondence sent to Our Lady of Sacred Heart School regarding the possibility of fencing the play areas on school property for the safety of children, as was discussed at the August 26<sup>th</sup> meeting, a letter was received from **Reverend** Michael Kelly advising that he has been assured that there are adequate safety precautions in place."

- Page 5, seventh paragraph, should read "Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **grant** preliminary/final plan approval to the Kirk Subdivision, pending completion of all outstanding items as noted above. There was no public comment."

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 23, 2002 Supervisor's Meeting, as corrected. There was no public comment.

Action on the minutes of the October 9, 2002 Year 2003 Budget Worksession Meeting –  
Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 9, 2002 Year 2003 Budget Worksession Meeting, as written. There was no public comment.

Action on the minutes of the October 14, 2002 Supervisor's Worksession Meeting –

Public Comment:

1. Mrs. Marilyn Teed of Mill Road noted a correction to page 3, under "Public Comment," where the last sentence should read "Mrs. Teed objected to candidate interviews for volunteer boards being conducted in Executive Session by the various boards and commissions, **who she believes do not have Executive Session privileges.**"

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 14, 2002 Supervisor's Worksession Meeting, as corrected. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated October 29, 2002, with General Fund payments in the amount of \$233,548.60, and State Highway Aid Fund payments in the amount of \$1,083.81; for a grand total of all payments in the amount of \$234,632.41.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated October 29, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. MANAGER'S REPORT – Due to the absence of Mr. Lippincott, Chairperson Bender presented the Manager's Report –

1. The Telford Fire Company, Perkasio Fire Company, and Hilltown Fire Company 2003 Fire Protection Agreements would be provided to the Supervisors for execution following this meeting.

2. Mr. Lippincott provided the Supervisors with copies of the revised preliminary plan for the proposed Forest Road Park. Supervisor Bennington emphasized

that the only funds expended by the Township for the Forest Road Park was the \$10,000.00 to Spotts, Stevens and McCoy to prepare a draft plan, noting that the Township has not authorized millions of dollars as some people have speculated.

F. CORRESPONDENCE – Chairperson John S. Bender –

1. Correspondence was received from the Silverdale Fire Company recommending and supporting the enactment of an Ordinance to allow reimbursement by fire companies for expendable materials used on fire calls and accidents through insurance companies.

Mr. John Gillespie, chief of the Silverdale Fire Company, explained that this issue had been discussed at previous Fire Prevention Bureau meetings. Such an Ordinance would allow the fire companies the power to request reimbursement from homeowner's insurance on fire calls and accidents for specific expendable items and materials that might be used by the fire company responding to a call. Solicitor Grabowski is somewhat familiar with this type of Ordinance, which has been adopted in neighboring municipalities. The Supervisors will review the model Ordinance and give it every consideration after Mr. Lippincott provides additional information.

2. Correspondence was received from Dublin Regional EMS thanking the Township for their generous donation.

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

1. Solicitor Grabowski presented the Aiani/Brand Cash Escrow and IRSIS Agreement for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Aiani/Brand Cash Escrow and IRSIS Agreement. There was no public comment.

2. Solicitor Grabowski presented the Walton/Vineis Subdivision Declaration of Road Frontage for Callowhill Road for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-36, accepting the Declaration of Road Frontage for Callowhill Road for the Walton/Vineis Subdivision.** There was no public comment.

3. The Beres Minor Subdivision is located on Dublin Road. A cash escrow has been received by the Township for same.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Subdivision/Land Development Agreement for the Beres Minor Subdivision as noted above. There was no public comment.

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

1. Brittany Estates Subdivision (Final) – The Planning Commission unanimously recommended final plan approval of this four-lot subdivision located on Rickert Road conditional upon satisfactory completion of the remaining items as contained in Mr. Wynn's October 8, 2002 engineering review. Mr. Ed Wild, the applicant's legal counsel, was in attendance to present the plan. The applicant has secured the consent of the property owners of Lots #1 and #2 of the former Hager Subdivision to amend the declaration of covenants, easements, and restrictions to allow for use of on-lot water and sewer facilities for the newly created lots. Further, the applicant has executed a Temporary and Permanent Easement Agreement with the neighboring property owners, Melvin and Susan Moyer, with regard to their concerns regarding drainage improvements and the condition of the swale located along the southwest property boundary adjacent to the Moyer property.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Brittany Estates Subdivision, pending completion of all outstanding items in Mr. Wynn's engineering review dated October 8, 2002. There was no public comment.

2. Souder and Souder Subdivision (Minor) – This minor subdivision located on Fairhill School Road was unanimously recommended for preliminary/final approval conditional upon completion of all outstanding items as contained within Mr. Wynn's October 14, 2002 engineering review. Mr. Kevin Wolf, the applicant's engineer, was in attendance to present the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant preliminary/final plan approval to the Souder and Souder Subdivision, pending completion of all outstanding items as contained within Mr. Wynn's October 14, 2002 engineering review. There was no public comment.

3. Haberle Subdivision – Mr. Wynn had anticipated that an extension would be received from the applicant, however that has not yet occurred.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to deny the Haberle Subdivision, unless a written extension is received within 15 days of this meeting. There was no public comment.

4. Comprehensive Plan – The Planning Commission recommended that the Comprehensive Plan be accepted with the changes and appendices providing public meeting responses, and that the draft document be forwarded to surrounding municipalities, the Bucks County Planning Commission, and the Pennridge School District, for review. A lengthy discussion took place.

Since the Supervisors, Township Engineer, and Township Solicitor have not yet reviewed the draft document, Solicitor Grabowski suggested that the Supervisors move to authorize review by these individuals prior to it being forwarded to other agencies for mandatory review.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize review of the Draft Comprehensive Plan by the Township Engineer, Township Solicitor, Township Supervisors and Township Staff, prior to forwarding the document to the surrounding municipalities, the Bucks County Planning Commission and the Pennridge School District, for their review. There was no public comment.

5. Zoning Ordinance Amendment – Age-Restricted Housing – The Planning Commission has prepared a draft Zoning Ordinance Amendment to provide an Age-Restricted Housing Use. By unanimous approval, a motion was made by the Planning Commission recommending that the Supervisors forward the draft to the Township Engineer for review and comment. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize review of the proposed Age-Restricted Community Zoning Ordinance Amendment by the Township Solicitor, the Township Engineer, and Township Staff. There was no public comment.

6. Zoning Ordinance Amendment – Retirement Village (Use B7) – The Planning Commission unanimously recommended that the existing Use B7, Retirement Village, should be revised to provide that Paragraph 8 permit a maximum of 5.0 dwelling units per acre within the PC-1 Zoning District for Use B4, as opposed to the current 8.25 dwelling units per acre. Mr. Wynn explained that if this were to occur, the 5.0 dwelling units per acre in the PC-1 Zoning District would then be consistent within the CR-1 Zoning District. Discussion took place. The Supervisors were agreeable to authorizing the preparation of this Zoning Ordinance Amendment by the Township Engineer and Solicitor for the Board's consideration.

7. Agricultural Security Area – The Planning Commission unanimously recommended the Township accept the approximately 125 Agricultural Security Area properties (all applicants) as part of their seven year review, and that the four late

applications received after the deadline be added to the Security Area in the February enrollment period. A Public Hearing has been advertised for the Supervisor's November 11, 2002 Worksession Meeting.

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

1. Longleaf Estates II - Mr. Wynn provided a status report on the completion of public improvements within this phase of the development. The internal roadway within Phase II have been paved and is now open between Longleaf Subdivision and Orchard Station Subdivision.

2. Summer Lea Subdivision -- Mr. Wynn provided a status report of improvements along Diamond Street and within the site. The berm on the Delp property located at the corner of Diamond Street and Orchard Road has been constructed, which is the off-site easement and berm that was part of the required roadway improvements. The Delp's have secured their own landscaping company to do the plantings, which was part of the easement acquisition provisions. This site will also have sidewalk from Orchard Road to the development entrance. Curb has been installed, however road widening is not yet complete. Inside the development, dwellings are under construction, and the roads are in binder. The sewage pump station is under construction, and gas service has been extended to the site from Orchard Road on Hillcrest Road. Sanitary sewer and water services have been extended on Hillcrest Road. Discussion took place.

Supervisor Bennington asked if the developer has escrowed funds for the installation of a traffic signal at Orchard Road and Diamond Street. Mr. Wynn replied that the developer donated \$50,000.00 toward the construction of a traffic signal. A lengthy discussion took place.

J. MYLARS FOR SIGNATURE:

1. Beres Minor Subdivision

K. PUBLIC COMMENT:

1. With regard to Age-Restricted Communities, Mrs. Marilyn Teed of Mill Road noted that when elderly people move from larger homes to smaller dwellings, they tend to move close to home, where they have the familiarity of the neighborhood. What has happened with the Holly Farms Kennel property, which was originally proposed for age-restricted housing but was frowned upon by the Planning Commission, is that a twelve-lot subdivision that allows children is now proposed. Supervisor Snyder commented that the Bucks County Planning Commission has conducted extensive research on age-restricted communities, which shows that these types of communities are not always what they appear. Mrs. Teed requested a copy of the Bucks County Planning

Commission study on age-restricted communities. Supervisor Snyder suggested Mrs. Teed make that request of the Bucks County Planning Commission. Supervisor Snyder does not necessarily disagree with age-restricted housing, however she does not believe there is reason to encourage it. The Township has zoned for age-restricted housing and retirement villages, as required. A lengthy discussion took place.

2. Mr. John Kachline, Chairperson of the Planning Commission, commented that the problem with age-restricted communities is that the Township has no control over that age-restriction in the future. The Builder's Association, instead of having open space in perpetuity, now wants legislation passed that would allow that open space to remain as such for only 15 years, after which time it could then be developed. Mr. Kachline noted that the same thing can happen with age-restricted communities. If the Township were to permit a higher density now on the premise that the development will be age-restricted, in 15 years that very same development could revert to a regular performance subdivision.

With respect to the original proposal for an age-restricted community on the Holly Farms property, Mr. Kachline stated the density and the type of homes the developer proposed at that time are not permitted in the CR-II Zoning District.

3. Mrs. Jean Bolger of Rt. 152 asked why age-restricted communities could not be made age-restricted for perpetuity. Supervisor Snyder previously stated that there have been court challenges to this age-restricted requirement that were not upheld. Discussion took place.

4. Mr. Andy Braun of Hilltown Pike asked the status of the burning ban in Hilltown Township.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to lift the burning ban in Hilltown Township effective immediately. There was no public comment.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington encouraged all registered voters to vote on Election Day, Tuesday, November 5, 2002.

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

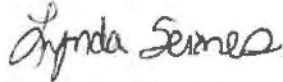


Page 9  
Board of Supervisors  
October 28, 2002

Pg. 5627

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously, the October 28, 2002 Supervisor's Meeting was adjourned at 8:40PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary  
HILLTOWN TOWNSHIP