

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, April 22, 2002
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:32PM and opened with the Pledge of Allegiance.

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

Chairperson Bender announced that the Board met in Executive Session on April 13, 2002 to discuss real estate; on April 17, 2002 to discuss legal matters; and prior to this meeting to discuss legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the April 8, 2002 Supervisor’s Worksession Meeting – Supervisor Snyder noted the following correction to page one, which should read “Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 25, 2002 Supervisor’s Meeting, **as amended**. There was no public comment.”

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the April 8, 2002 Supervisor’s Worksession Meeting, as amended. There was no public comment.

C. CONFIRMED APPOINTMENTS:

1. Mr. Rich Harvey – Bucks County Farmland Preservation Program – Mr. Harvey provided a brief overview of the Bucks County Farmland Preservation Program, which was created in 1989 to purchase agricultural conservation easements on qualifying farms. The goals of this program are to preserve 10,000 acres of prime farmland by the year 2007; to preserve the family farm as a vital component of Bucks County’s cultural diversity; and to promote sound soil conservation practices.

The Bucks County Agricultural Land Preservation Program is guided by regulations contained within the Agricultural Security Area Law, Act 43, as amended. Participation in this program is voluntary by qualified farmland owners. Some benefits of this

program include the preservation of Bucks County's agricultural economy, access to a local source of food, and preservation of the historic and scenic qualities of Bucks County.

Mr. Harvey advised that Bucks County is 12th in the State in agricultural production of crop farms, dairy farms, vegetable farms, and horticultural operations; all of which provide jobs for several thousand people. Farmland loss in Bucks County was 67% in 1945, when there were 4,063 farms consisting of approximately 267,500 acres, and 23% in 1997 when there were 720 farms consisting of approximately 83,534 acres.

Funding for this Program is \$4 to \$7.5 million dollars each year, with 75% of the funds coming from the Pennsylvania Department of Agriculture and 25% of the funds coming from the Bucks County Commissioners. A total of \$13.5 million dollars comes from the County's Open Space Bond, and there has been an increasing use of municipal funding as well.

Eligibility for this Program is as follows:

- Farm must be at least 50 acres in size unless adjacent to an existing preserved property.
- Farm must be in a designated Agricultural Security Area.
- Farm must contain at least 50% cropland or other type of agricultural operation.
- Farm must contain at least 50 percent Class I-IV Soils.

Applications are accepted once a year during February. All farms that meet the minimum requirements are ranked according to the designated Farmland Ranking System. Bucks County typically preserves 8-10 farms per year. The current application list consists of 69 farms. Farms are selected on an unbiased priority system based on the target map, soils, location, ownership aspects, environmental qualities, and development potential.

To select a proposed farm the following criteria is used:

- Soil quality (40%) – productive soils awarded higher priority.
- Ownership (25%) – owner operators given priority. Family involvement is important.
- Location (25%) – subject properties with adjacent farms and preserved open space given priority. "Critical mass" of farms is important.
- Development potential (10%).

To date, there are over 220,000 acres preserved on over 1,800 farms in Pennsylvania, which is the national leader in farmland preservation. There are 5,356 acres preserved on 62 farms in Bucks County, which is the leader in the State for municipal partnerships.

Mr. Harvey explained that Agricultural Conservation Easements are legally binding documents restricting the farm in perpetuity to agricultural use. The landowner can voluntarily sell the development rights and receive compensation for same. Easement value is the difference between fair market value and the farm's agricultural value. Farmers retain ownership of the property in question. Preservation costs are currently at \$10,000.00 per acre, and were as low as \$4,000.00 per acre in 1996. Bucks County has a \$10,000.00 per acre cap. Municipalities can contribute the difference if the purchase price is greater.

The land uses permitted by an easement are as follows:

- All agricultural uses are permitted.
- Construction of farm related buildings are permitted.
- Temporary activities such as hayrides and educational activities are permitted.
- The construction of one additional dwelling for farm workers (family or tenant).
- No commercial or industrial uses permitted.

The farms in Hilltown Township that have been preserved include the Bishop property consisting of 33.38 acres in 1994; two farms owned by the Beer family, one consisting of 106.07 acres that was preserved in 1996, and one consisting of 75.15 acres that was preserved in 1998; and the Rosenberger property consisting of 284.52 acres, which was preserved in 2001.

The Bucks County Open Space Program consists of agricultural land preservation, municipal open space, natural areas, and parkland acquisition. The distribution of bond funds for these endeavors are as follows:

- \$13.5 million dollars for Agricultural Land Preservation
- \$20 million dollars for Municipal Open Space
- \$16.5 million dollars for Parkland Acquisition
- \$9 million dollars for Natural Areas.

The Agricultural Land Preservation Program is very popular because it is completely voluntary, helps farmers buy land, takes advantage of municipal cost sharing, and is the only permanent farmland preservation technique with compensation. The Bucks County Agricultural Land Preservation Program has preserved 62 farms totaling over 5,400 acres, has agreements of sale on ten farms from 2001 applications, and hopes to preserve ten more farms in the year 2002.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street questioned the 50-acre limit on family farms. Mr. Harvey explained that the previous requirement was 25 acres, however there was an income requirement of \$25,000.00 per year that went with it. The State then changed the requirement to 50 acres, and did away with the income requirement. Mr. McIlhinney commented that the change in requirement hurts small, family farmers.

Mr. McIlhinney asked why only farms located in the Agricultural Security District can be considered for this program. Mr. Harvey explained that this minimum requirement was also established by the State, most likely because they feel the farms in the Agricultural Security District have made the initial commitment to farming and thereby are afforded protection with that. Mr. McIlhinney felt that it took too much time for farms to be added to the Agricultural Security District. Supervisor Snyder and Mr. Harvey disagreed.

Mr. McIlhinney asked what funding was used to purchase agricultural conservation easements for the four properties that are located in Hilltown Township. Mr. Harvey replied that only Bucks County and State funds were used for those properties.

2. Mr. Joe Marino of Redwing Road questioned the ranking list and requirements and asked if a property that may be on the list for a period of three years can be circumvented by a property that just comes in, which may more fully meet the ranking system requirements in point value. Mr. Harvey advised that was correct. He explained that unfortunately, there are no points in the ranking system at present for longevity. Discussion took place.

Supervisor Bennington asked which municipalities in Bucks County have the highest amount of acreage preserved. Mr. Harvey believes that Buckingham has the most, with Bedminster as a close second. Hilltown Township is either fourth or fifth on the list.

3. Mr. Bob Wendig of Bypass Road suggested that Hilltown Township's Open Space Committee work more closely with the County Farmland Preservation Program. Mr. Harvey advised that Hilltown's Open Space Committee could approach the County concerning possible joint funding for any farm that is currently on the County's Land Preservation Program list. For example, the Bucks County Land Preservation Board has a policy of paying up to \$1,500.00 per acre, no matter where that property is on the list, if the municipality offers to pay the remaining cost. Discussion took place.

Mr. Wendig asked when the State funding will expire. Mr. Harvey explained that the State has one dedicated source of funding, which is the cigarette tax in the approximate amount of \$25 million dollars per year. The second source of funding is through the

Growing Greener program, which was \$100 million dollars over a five-year period, at approximately \$20 million dollars per year. The Growing Greener program has been extended for an additional year.

4. Ms. Donna DiMella, who is a member of the Hilltown Open Space Committee, explained that the Township's Open Space referendum does not restrict property sizes to 50 acres, and encouraged anyone interesting in selling development rights or conservation easements, to apply by contacting a member of the Committee or the Township.

5. Mr. Henry Rosenberger is very pleased to have the opportunity to participate in Bucks County's Agricultural Land Preservation Program. Mr. Rosenberger does not understand why more farmers do not participate in this very worthwhile program, and complimented Hilltown Township on the success of the Open Space referendum. Mr. Rosenberger believes that House Bill 2345, which is being co-sponsored by Hilltown Township's State Representative Kathy Watson, is for the State to take a \$5.00 tipping fee per ton on trash coming into the State, which would also add and permanently fix the Growing Greener funding that Mr. Harvey spoke of earlier, with a continuous stream of cash. To Mr. Rosenberger's knowledge, over 50% of the landfill trash is coming to Pennsylvania from out of state, which would not be an impediment to our own municipalities. Mr. Rosenberger commended Mr. Harvey on his presentation and the work he has done with Bucks County's Agricultural Land Preservation Program. Mr. Rosenberger advised that it is not difficult for individuals to apply to this program, and suggested that other farmers do the same. He has heard many questions this evening, however he would like to see other individuals step up to the plate by signing up for this very worthwhile program.

6. Mr. Bob Wendig of Bypass Road believes there may be other tax benefits by participating in the County program. Mr. Harvey explained that Bucks County has several forms of payment at present, including a lump sum payment, which is obviously subject to Capital Gains. However, there is a new program in the State called IPA, which is an installment purchase agreement over a 30-year period. This is a zero coupon bond that is purchased by the County. If the farmer elects to choose this type of payment, Mr. Harvey stated that they can take a payment over a minimum of 20 years, with some principle up front, with interest payments twice a year up to the end of the transaction; or they can elect to take interest payments twice a year, with the principle payment at the end, without being subject to tax on the interest payments in the interim. Mr. Harvey advised that there is also a traditional installment payment up to 5-years, which does not pay any interest, but could reduce Capital Gains on each payment each year. There are some School Districts that have enacted a school tax freeze on those properties that have been preserved, such as New Hope/Solebury and Council Rock, in Bucks County.

*8:13PM – Chairperson Bender called for a short recess to allow Mr. Harvey’s exit from the meeting.

***8:20PM – PUBLIC HEARING** – Chairperson Bender adjourned the regularly scheduled April 22, 2002 Board of Supervisors meeting to enter into a Public Hearing to consider the adoption of an Ordinance to reduce the speed limit of motor vehicles on Fairhill School Road to 40 m.p.h. and to reduce the speed limit of motor vehicles on Twinbrook Road to 35 m.p.h.

Public Comment: None.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #2002-4, reducing the speed limit of motor vehicles on Fairhill School Road to 40 m.p.h., and reducing the speed limit of motor vehicles on Twinbrook Road to 35 m.p.h.** There was no public comment.

***8:23PM – The advertised Public Hearing as noted above was adjourned and the regularly scheduled meeting of the Hilltown Township Board of Supervisors was reconvened at 8:23PM.**

D. MANAGER’S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. Chief Trauger drafted correspondence from the Board to the Bucks County Commissioners requesting their approval of funding for the installation of an additional antenna to service the Rt. 309 corridor in order to provide better radio coverage for police and emergency services in that area. This letter will be available for Board signatures following the meeting.

2. A color copy of the National Register Eligibility Application regarding the proposed Blooming Glen Historic District, which is presently enroute to Harrisburg for an official determination of eligibility, has been received from the Bucks County Planning Commission. The Township will be updated about the application upon receipt of a status report from the Pennsylvania Historic and Museum Commission.

3. Mr. Lippincott recently met with Ms. Pam Learned of the N.P.R.I., Mr. Mark Fournier of Telford Borough, and Mr. Michael Cole of Souderton Borough to discuss traffic issues and the proposed Traffic Study area near the Home Depot project. All parties agreed to reduce the study area considerably. A new map will be provided. Ms. Learned, Mr. Fournier, and Mr. Cole requested that Hilltown Township’s Engineer review possibilities of what can be done with the property located at Central Avenuc and County Line Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize Mr. Wynn, the Township Engineer, to inspect and review the existing situation on the property located in Hilltown Township at the intersection of Central Avenue and County Line Road. There was no public comment.

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

1. Correspondence was received from the Pennridge School District Publicity Committee announcing advance scheduling for an Open House Celebration marking the 50th anniversary of Pennridge High School being planned for Sunday, November 7, 2004.

2. Correspondence was received from Souderton Area Youth Football Association regarding the Home Depot project, and seeking the Supervisor's assistance with addressing safety concerns at Romanoski Field. The Supervisors directed Mr. Lippincott to forward correspondence to the Souderton Area Youth Football Association, advising that the Township intends to paint crosswalks at Romanoski Field, and will be erecting "Crosswalk Ahead" signs. Further, the Township recently lowered the speed limit of Central Avenue to 25 m.p.h. at Romanoski Field.

3. Correspondence was received from legal counsel for the Berry Brow Subdivision granting the Township further extension with regard to their preliminary subdivision and requesting that the Board grant approval of same. The extension shall run from June 15, 2002, superseding the prior extension that expires on May 1, 2002. The Board was agreeable to accepting this extension.

4. Mr. Lippincott presented a registration form for a class being held entitled "Successful Strategies for Sound Land Use Decisions" being sponsored by One Source Municipal Training. The Supervisors directed Mr. Lippincott to invite a member of the Planning Commission to attend this class.

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

1. Solicitor Grabowski presented the Hilltown Chase Subdivision Development and Financial Security Agreements, and Street Light Petition for the Board's consideration. The combined bond and cash received by the Township for this development is in the amount of \$1,271,179.36.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept and authorize the execution of the Hilltown Chase Development and Financial Security Agreements, and to **adopt Resolution #2002-15,**

accepting the Street Light Petition for the Hilltown Chase Subdivision. There was no public comment.

2. Solicitor Grabowski presented the Heritage Executive Campus Development and Financial Security Agreements for the Board's consideration. The Development Agreements for this project are funded by an escrow with First Savings Bank of Perkasic, in the amount of \$482,853.69. In addition, the developer has provided a formal withdrawal of the original subdivision plan and the farmer's market land development plan for this site.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Development and Financial Security Agreements for the Heritage Executive Campus, and to accept the formal withdrawal of the original subdivision plan and the farmer's market land development plan for this site. There was no public comment.

3. Solicitor Grabowski presented Development and Financial Security Agreements for the Orchard Hill Subdivision, along with the Street Light Petition for this Subdivision, for the Board's consideration. Funds have been escrowed through PNC Bank of Philadelphia in the amount of \$3,113,770.46. Additionally, the developer is providing a capital contribution to the Township based upon the sum of \$750.00 per unit.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to accept the Development and Financial Security Agreements for the Orchard Hill Subdivision; and to **adopt Resolution #2002-16, accepting the Street Light Petition for the Orchard Hill Subdivision.** There was no public comment.

4. Solicitor Grabowski presented Agreements for the two-lot Wild Subdivision, located on Schultz Road. The applicant has deposited the required escrow funds in the amount of \$7,403.24 to the Township. In addition, the applicant has made a contribution of \$4,000.00 to the Township, which represents a Park and Recreation fee in the amount of \$1,500.00 per lot and the Stormwater Management fee of \$500.00 per each lot as well.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to approve the Development and Financial Security Agreements for the Wild Subdivision; and to **adopt Resolution #2002-17, Declaration of Road Frontage Easement for the Wild Subdivision.** There was no public comment.

5. With regard to the Wietecha Subdivision, Solicitor Grabowski advised that PADEP is now requiring a Maintenance Agreement between the landowner and the Township for a sandmound that is being proposed for a marginal soil location.

This will require the Township to consider the mechanism and procedure by which an inspection of these types of systems will be provided for. An Agreement has been drafted, along with a \$150.00 permit fee to the Township, which will provide for an inspection every three years. A lengthy discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Maintenance Agreement for the proposed sanitary sewer system for Mr. and Mrs. Hanus with regard to the Wietecha Subdivision. There was no public comment.

6. Solicitor Grabowski advised that the next Telvil Hearing will be held on May 30, 2002.

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

1. First Service Bank (Sketch Plan) – The First Service Bank sketch plan was presented to the Planning Commission by Eric Tohin, Esq., and Mr. Bob Todor, the applicant's engineer. Although no formal action was taken, the Planning Commission generally reviewed the revised sketch favorably for the proposed bank/office building to be located at the northeast corner of Rt. 113/Bethlehem Pike (formerly Sernoff Seafood site). An appeal will be filed to the Zoning Hearing Board for relief from several sections of the Zoning Ordinance relative to building setback, parking setback, buffer yards, parking, and lot dimensional regulations. This plan was revised from the original sketch plan submission to include the improvements along Rt. 113 at the intersection of Bethlehem Pike, as indicated by various traffic studies that were done by Calvary Church, and most recently, by Home Depot. All corners of that intersection, with the exception of this proposal, are to be improved to some degree with the Home Depot project. Mr. Tobin advised that the applicant would be coordinating improvements in conjunction with Home Depot to improve their corner of the intersection as well.

Mr. Tobin advised that the existing building on the site has a footprint of approximately 12,500 sq. ft., with a bit over 90% impervious surface. The proposed building will have a footprint of approximately 4,200 sq. ft., with approximately 75% impervious surface, which is a substantial reduction from what presently exists.

Because this is a sketch plan, no formal action was taken by the Board of Supervisors.

2. Melvin Nace Lot Line Adjustment – This lot line adjustment subdivision located on Blooming Glen Road was unanimously recommended for final approval subject to completion of the items contained within the March 22, 2002 engineering review and waiver of Subdivision Ordinance requirements requested by the applicant, as follows:

- Section 505.16 – Request waiver from street improvements of Blooming Glen Road, Quarry Road, and Minsi Trail.
- Section 506.4 – Request waiver from roadway widening of Blooming Glen Road, Quarry Road, and Minsi Trail.
- Section 512 – Request waiver from curbing along Blooming Glen Road, Quarry Road, and Minsi Trail.
- Section 513 – Request waiver from sidewalks along Blooming Glen Road, Quarry Road, and Minsi Trail.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant the waivers as requested above and to grant conditional final plan approval to the Melvin Nace Lot Line Adjustment Plan pending completion of all outstanding items as noted in Mr. Wynn's March 22, 2002 engineering review. There was no public comment.

Public Comment:

1. Mr. Jack McIlhinney asked why the \$1,500.00 per lot Park and Recreation donation is not being required of the applicant. Mr. Wynn explained that this is a lot line adjustment, with no additional building lots being created, and therefore, the Park and Recreation donation is not required.

3. Rosenberger Land Development Waiver Request - The Planning Commission unanimously recommended approval of a waiver of land development submission for a proposed 38' X 42' pole building to be constructed over an existing concrete pad, which had been the location of an agricultural outbuilding destroyed by a storm in approximately 1993, at the site located at 850 Blooming Glen Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant waiver of Land Development submission for the Rosenberger property to construct a 38' X 42' pole building at 850 Blooming Glen Road, as specified above. There was no public comment.

4. Car Sense – The Planning Commission recommended conditional final plan approval at their meeting of February 18, 2002. Mr. Wynn's engineering review dated February 5, 2002 and the Gilmore and Associates response dated April 15, 2002 relating to traffic issues, were discussed. Mr. Fran McGowen, the applicant, and Mr. Bob Dixon, the applicant's engineer, were in attendance to present the plan.

Revised traffic access plans were submitted in response to Mr. Wynn's review and the Township Traffic Engineer's review. Mr. Dixon noted that the original preliminary plan contained only one access in front of the existing service driveway for the Peruzzi property. Since that time, the applicant has made an agreement with an adjacent property owner and has been able to propose a second access drive on the common property line with the adjacent lot, which both will utilize for ingress and egress to their respective sites. The applicant anticipates that 70% of their customers will access the first service road, with 30% anticipated to access the second driveway. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Car Sense Land Development, pending completion of all outstanding items as noted in Mr. Wynn's February 5, 2002 engineering review, and Mr. Heinrich's February 15, 2002 traffic engineering review. There was no public comment.

H. ENGINEERING – None.

I. MYLARS FOR SIGNATURE:
1. Orchard Hill Subdivision
2. Wild Subdivision

J. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road presented further information concerning exclusions to land development, as listed in Section 5031.1 of the Municipalities Planning Code. She contacted Senator Conti, who directed her to the Local Government Commission Support Staff, where Mrs. Teed spoke to Mr. Philip Klotz, the staff planner. Mrs. Teed stated that Solicitor Grabowski was correct in saying that Section 5031.1 is optional to include exclusions to land development. In fact, this is one sub-section of eleven provisions outlined in the land development law. Since it appears that some former Hilltown Township administration has chosen to include Section 5031.1 in the Subdivision/Land Development Ordinance, Mrs. Teed commented that the exclusion provision has been included. If the option is taken by the Township to include exceptions to the Land Development Ordinance, Mrs. Teed asked if the Ordinance must exempt all of the items listed in Section 5031.1 of the MPC. After two days of deliberation, Mr. Klotz replied to Mrs. Teed that based upon his read of the section of the Pennsylvania Municipalities Planning Code in question, the municipality's Subdivision/Land Development Ordinance may only include those exclusions specified in Section 5031.1 of the MPC, however the Township's Ordinance need not include all of the exclusions – it may include none, one, two, or all three exclusions. Mrs. Teed also spoke with Mr. Patrick Kieilty, the legal counsel for the Local Government Commission, who confirmed exactly what Mr. Klotz said. The addition of not greater than 600 sq. ft. in area, as is

written in the Hilltown Zoning Ordinance, is not provided for in the MPC. Since the last Board of Supervisor's meeting, Mrs. Teed contacted the Bucks County Planning Commission, who provided further confirmation to this issue. Ms. Gail Freedman of the Bucks County Planning Commission knows of no such exclusion for square footage existing in any other municipality, nor square footage restrictions being provided for in the MPC. Mrs. Teed noted that the agricultural variable to the equation is also addressed in the MPC on page 44, Section 105, which states "Purpose of Act – It is the intent, purpose, and scope of this Act to...insure that municipalities enact Zoning Ordinances that facilitate the present and future economic viability of existing agricultural operations in this Commonwealth, and do not prevent or impede the owner or operator's need to change or expand their operations in the future in order to remain viable." Mrs. Teed feels that farmers should not have to pay for permits or land development submission fees for any agricultural operation.

It is Mrs. Teed's opinion that there is a lack of consideration toward farming operations and farmers by certain members of the Planning Commission. She believes there are alternative ways to prevent housing developments from littering Hilltown, and protecting and encouraging an agricultural operation is a very good one. Mrs. Teed is requesting that the Supervisors remove the added wording in the Zoning Ordinance that is directly altering the written language and intent of the MPC with regard to this issue.

Concerning the proposed amendment to the Zoning Ordinance regarding landscaping businesses, Mrs. Teed stated that the Bucks County Planning Commission's review of this proposal says that something should be done simultaneously to ensure that a landscaping business could be upheld in Hilltown.

2. Mr. Glenn Meloro and Mr. Mike Garner of Souderton Area Football Association appreciated the Board's consideration of the safety of the children who utilize Romanoski Field. At a previous meeting, the Supervisors had stated that if another traffic study was completed, the Township would consider those results. Unfortunately, Mr. Meloro just became aware of how expensive traffic studies are, and that it is not something the Souderton Football Association could afford. Supervisor Bennington clarified that the Supervisors had previously suggested that State Representative Godshall pay the expense of the traffic study, not the Souderton Football Association. Mr. Meloro and Mr. Garner would appreciate the opportunity to review the existing Traffic Impact Study. Further, they would like to be a part of the planning process for the safety measures that Hilltown Township intends to take with regard to Romanoski Field and the proposed Home Depot project. The Supervisors were agreeable. Discussion took place.

3. Mr. Jack McIlhinney commented that prior to the April 15, 2002 Planning Commission meeting, a special meeting was held for the Planning Commission's review

of the draft Comprehensive Plan. Mr. McIlhinney was disturbed that he was not permitted to address the Planning Commission during the meeting itself, and was told by Chairperson Kachline that he would have the opportunity for public comment at the end of the special meeting, however that opportunity was not afforded to him. Mr. McIlhinney believes that this was a violation of the Sunshine Law. If a public meeting is held, Mr. McIlhinney feels that he should be able to make a comment or ask questions. At the end of the regularly scheduled Planning Commission meeting, Mr. McIlhinney pointed out that the Commission's treatment of him at the 6:30PM special meeting was a Sunshine Law violation and asked when the public would have the opportunity to ask questions on each and every page of the draft Comprehensive Plan. He was given no answer. Mr. McIlhinney feels that the Supervisors have a duty to instruct the Planning Commission that they must follow the same rules of order that the Board of Supervisors do. Mr. McIlhinney commented that the Sunshine Law states that as long as a member of the Board of Supervisors is also a member of the Planning Commission, the Planning Commission must operate under the same rules as the Supervisors. Supervisor Bennington disagreed, stating that a violation of the Sunshine Law would be if there were two Supervisors who were members of the Planning Commission, who had the potential to make a decision. Supervisor Snyder commented that she was not present at the April 15, 2002 Planning Commission meeting. Further, Supervisor Bennington noted that when a Supervisor is attending a Planning Commission, in this case Supervisor Snyder, that Supervisor is participating as a member of the Planning Commission, which is a recommending body, not as a Supervisor. A lengthy discussion took place.

Chairperson Bender explained that there would be a series of Public Hearings held by the Planning Commission, Comprehensive Plan Task Force and the Board of Supervisors prior to adoption of the Comprehensive Plan, at which time residents will have ample opportunity to make comments and to review the proposal, page by page. Mr. Lippincott noted that the April 15, 2002 Planning Commission meeting, which began at 6:30PM was the first time the Planning Commission received their draft of the Comprehensive Plan, and that meeting was simply a conference for those members to review and discuss the draft copy. Discussion took place.

On another issue, the Pennridge School Board recently discussed Act 153, granting special tax exemptions for certain properties. Mr. McIlhinney was very upset that various members of Hilltown Township's Boards and Commissions testified before the School Board with regard to Act 153 as though they were representing Hilltown Township. Chairperson Bender is aware that several residents who are on Township Boards and/or Commissions are interested in Act 153, however the Board of Supervisors have not directed any individual to represent the Township with regard to this issue.

4. Mr. Joe Schreiner, who lives near the proposed Orchard Hill Subdivision, attended a previous meeting where the Board directed Mr. Lippincott and Mr. Taylor to

meet with him and Mr. Paul Abdalla of Heritage Building Group to discuss the possible erection of a fence between Orchard Hill and the existing residents. That meeting was held, and the developer has agreed to erect the fence along the boundary between the subdivision and the neighboring property owners. Mr. Schrciner thanked the Board of Supervisors, Mr. Abdalla, Mr. Lippincott, and Mr. Taylor for their efforts.

5. Mr. John Gillespie of Moyer Road, who is a member of the Silverdale Fire Company, is concerned about the fence that will be erected behind the apartments in the Orchard Hill Subdivision. During the planning process for this subdivision, discussion took place concerning allowing for a break in the berm for fire fighting purposes for the rear apartment units. Mr. Gillespie asked if a gate and a key for that gate will be provided to the fire company for emergency access. Mr. Wynn agreed that a break in the berm is shown on the plan, however the fence was not originally proposed. If an emergency took place in the Orchard Hill apartments, Mr. Lippincott suggested the fire trucks be driven right through the fence. Solicitor Grabowski agreed, noting that if people's lives are in danger, the fire company would certainly not want to spend time looking for a key and opening a gate, they would simply drive through it. A lengthy discussion took place.

6. Mr. John Perritt questioned the proposal presented by Diversified Refrigeration through Mr. Dave Hirsch with regard to the municipal building's HVAC system. Solicitor Grabowski explained that if the Supervisors approve this work, it will be placed out for bid. Mr. Lippincott noted that if an emergency repair is required, the job would not be placed out for bid.

Mr. Perritt asked if the seven fire companies who service Hilltown Township will have the opportunity to review the proposed Comprehensive Plan. Chairperson Bender noted that there is a required distribution list for the proposed Comprehensive Plan, including neighboring municipalities, the School District, and the Bucks County Planning Commission, to name a few. If the fire companies are not on that distribution list, Mr. Lippincott will be sure to provide them with copies.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Snyder attended the PSATS Convention in Hershey last week, along with three other staff members, where it was discussed that some very interesting legislation will be pursued in the year ahead, including issues of terrorism, emergency preparedness, etc.

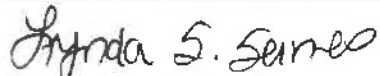
2. Supervisor Bennington lives in the development district, across the street from the Orchard Hill Subdivision, which is presently under construction. He strongly advised Mr. Abdalla of Heritage Building Group to address several complaints that he

has received from neighboring property owners, including trespassing by site workers, construction noise before 8:00AM, dust, and mud on the road, being of the greatest importance.

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

M. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the April 22, 2002 Board of Supervisors meeting was adjourned at 10:00PM.

Respectfully submitted,



Lynda Seimes
Township Secretary