

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, March 27, 2000  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:30PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson  
E. Diane Parks, Supervisors  
Gregory J. Lippincott, Township Manager  
Francis X. Grabowski, Township Solicitor  
Kerry L. Trauger, Chief of Police  
Lynda S. Seimes, Township Secretary

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A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the March 13, 2000 Worksession Meeting – Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the March 13, 2000 Worksession meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairperson Bennington presented the Bills List dated March 28, 2000, with General Fund payments in the amount of \$24,882.72, State Highway Aid Fund payments in the amount of \$3,567.32, and Escrow Fund payments in the amount of \$2,894.03; for a grand total of all payments in the amount of \$31,344.07.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated March 28, 2000. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Ms. Christen Pionzio and Mr. Van Rieker – Longacre Property/Age Qualified Zoning District – Ms. Pionzio and Mr. Van Rieker were in attendance to present the proposal by Tel-Vil Corporation. The site is located on Rt. 113, across from Calvary Church and is presently zoned RR. The property was once the subject of a rezoning application by Trefoil Properties, requesting that public sewer be permitted to the site and would have yielded approximately 36 lots. Tel-Vil Corporation is offering two separate proposals – one is a By-Right Plan that would yield approximately 31 lots with a package treatment plant, and one is an Age-Qualified Plan, which is an age 55 and older community, with centralized sewer and 110 lots proposed. Although the Planning Commission liked the concept of an Age-Qualified community, they felt it was not right for this particular property. Also, at the time the Age-Qualified community was proposed

to the Planning Commission; the applicant requested that public sewer be extended to the property, which they were opposed to. The applicant met with Township staff in January to discuss the two options and also met with DEP to discuss a package treatment plant for the site. The applicant met with neighboring property owners of the Longacre Tract to discuss the two options for the property, to address their concerns and incorporate those concerns into the plans. Thirty-nine neighboring property owners were invited, with twenty-two present at the meeting. Many of the concerns were with drainage problems, whether or not the proposed driveway would align with the Calvary Church access, traffic impact, buffer, public sewer or package treatment plant, what the package treatment plant would be like, if proposed, homeowner's association, and fencing. The two proposals were also reviewed by the Township land planner, Mr. Charlie Guttenplan of the Waetzman Planning Group, at the developer's expense.

Mr. Rieker explained the site is a 50.3-acre tract located on the south side of Rt. 113, west of Silverdale Borough. The existing zoning is Rural Residential, however slightly over an acre of the tract along Rt. 113 is located in the CR-2 Zoning District. Mr. Rieker noted the proposal for an Age-Qualified development is for single-family detached dwellings, which would be restricted so that one principal occupant would be required to be age 55 or older, and if two occupants are unrelated, both would have to be age 55 or older. Children under the age of 19 would not be permitted to occupy the premises more than the summer months and holidays, typically three and a half or four months per year. The developer is promoting this type of development because it is a way to provide for a greater number of dwellings without necessarily resulting in an increase in traffic and density of population. In both proposals, the applicant would propose to either extend public sewer or to construct an on-site sewage treatment facility.

Mr. Rieker advised the proposed By-Right plan would generate a single access road from Rt. 113 and result in approximately 31 or 32 single-family lots. In the alternative, the Age-Qualified proposal would instead yield 110 single-family dwellings at a density of 2.25 dwelling units per acre. This proposal would allow the developer to address other aspects of the Comprehensive Plan, such as creating a corridor area for permanent open space, dealing with the streetscape; avoiding slopes in excess of 20%, and preserving vegetative areas and corridors where practical. As part of the applicant's proposal, approximately 40% of the tract would be created as common open space. One way to implement this type of development would be to re-zone the property. Mr. Rieker noted there is an Elderly Housing option in the Zoning Ordinance, however the applicant is not opting for that approach because they feel their proposal is substantially different from the requirements provided. For instance, the Elderly Housing option in the Ordinance permits continuing care communities and multiplex/assisted living concept, which is not what the developer desires to construct. The Federal Fair Housing Act authorized the construction of age-restricted communities by amendment in 1995 and 1996. Mr. Rieker suggested the Township consider adopting a new component referred to as "Age

Qualified Residential Community” in the Zoning Ordinance; and in so doing, the density, setbacks, lot sizes, etc. that would be established. This would be considered as a distinct and separate Zoning District known as the AQR District where the Supervisors could choose and select which properties would be appropriate for this use. The AQR District could be written so that there is enabling criteria, such as frontage to a major roadway, accessibility to central sewer, minimum tract sizes, etc., which would reduce the number of options for this use. Another way would be to have this type of use as a Conditional Use, within the CR-II Zoning District.

Mr. Rieker clarified that the age-restricted community would be a gated single-family community, with private streets and a homeowner’s association for maintenance of a majority of the open space (whatever is not offered as a part of the open space requirements). The applicant would seek centralized water and sewer for the site, either a privately owned system or an extension of the public system in the event the Supervisors feel it would be appropriate. Buffers would be provided, while still preserving as much of the existing hedgerows and corridors, and berming with additional trees/shrubs around the perimeter of the property is proposed. Only one access to the site is proposed, with a restricted emergency access available on an as-needed basis. Mr. Rieker believes this type of age-restricted community would be beneficial with regard to tax impact and traffic impact, since this would not generate any children entering the school district.

For the record, Chairperson Bennington advised this is the first time the applicant has been before the Board of Supervisors to present the sketch plan for this age-restricted community. With regard to traffic, Mr. Rieker believes there will not be much of a difference between the traffic impacts from a by-right single-family dwelling plan and what is being proposed, simply because of the difference in composition of the occupants. It is believed that the average daily vehicle trips would be approximately the same, and the applicant expects that the impact during the peak periods would be the same as well, even though there are more units proposed in an age-restricted community. Based on the average selling price of these proposed units, Supervisor Parks asked if any of the neighbors raised the issue of the impact this type of development might have on surrounding property values. Mr. Rieker replied that these dwellings would be marketed in the range of \$190,000-\$220,000, which would be consistent with many of the single-family dwelling units nearby. The style of the unit and the fact that there will be substantial buffer yards around the perimeter of the property will result in an insulation that is no less than what is expected from the by-right plan. In fact, Mr. Rieker noted that in some cases, the setbacks would be greater because there would be more opportunity through this concept.

Discussion took place concerning the proposed emergency access. Supervisor Parks advised there is significant heavy traffic, especially on Sunday mornings, from Calvary Church, and asked if the applicant has considered the installation of a traffic signal at the

intersection with Calvary and the proposed development. The applicant would not oppose a traffic signal, however Mr. Rieker stated PennDot has specific warrants and criteria that must be met.

Supervisor Bender noted the estimated common open space proposed on the plan is less than what is required by Ordinance. Mr. Rieker believes the open space is lower because there are single-family lots of 7,000-8,000 sq. ft. in area proposed, rather than attached dwellings or townhouses, which might require 60-65% of open space. The applicant feels 40% of open space is a fairly substantial contribution for a single-family development. Supervisor Parks asked if the 40% of open space proposed is net buildable area. Mr. Rieker replied that it is not net buildable area, but it could be because, apart from the narrow floodplain shown and the existing stream valley, the applicant is only losing approximately 3 or 4 acres of the site. The remainder of the site is fairly dry and has been used for agricultural purposes until recently. Much of the green space shown on the plan includes the buffers and an attempt to create a very substantial riparian corridor, which is roughly 350-500 ft. in width. The applicant anticipates that they can design the bridge to be elevated in order to allow this area to remain as an animal transportation movement corridor under the bridge.

Chairperson Bennington read the Township's professional planner's review of this proposal and still believes he would reject a request for a change in zoning from RR to CR, as he has in the past for this particular property. The Township is in the process of updating its Comprehensive Plan, which could take approximately 18-24 months, and Chairperson Bennington is not willing to "spot zone" prior to that Comprehensive Plan update. In addition, the applicant is requesting that the Township extend public sewer into the RR District, which Chairperson Bennington would not be agreeable to. While he believes an age-restricted community is a great concept that would have no impact on the infrastructure, Chairperson Bennington is not willing to make the change. Mr. Rieker commented the applicant will be installing central sewer on this site, one way or another. If the applicant is obliged to propose the by-right plan, they will request approval of a central sewage plant because of the difficulties in soils on the property. Most likely, the Township will be the permittee for that system and can either accept the system or not. Mr. Rieker appreciates Supervisor Bennington's reluctance to extend public sewer to the site since it has been the Township's position not to extend public sewer into the RR District in the past. Supervisor Parks also read Mr. Guttenplan's review of the site, and noted the Longacre Tract is a very difficult property to develop. She does not want there to be an impression that Hilltown's own consultant, Mr. Guttenplan, supports this particular proposal, since there are a great deal of conditions and considerations noted in that review. Supervisor Bender agrees with Chairperson Bennington that an age-restricted community is a wonderful idea. A lengthy discussion took place.

Public Comment concerning the Longacre Tract Proposal –

1. Mr. David Levy of 829 Rt. 113 commented that the applicant told the neighboring property owners that one way or another, the Longacre Tract will be developed. Mr. Levy asked if the applicant has had their proposal reviewed by the Army Corp. of Engineers with regard to the existing wetlands on the property. Mr. Levy does not believe this site is suited for 110 age-restricted units or even 31 units, with the amount of wetlands on the site and the drainage difficulties at present.

2. Mr. Jack Fox of Hilltown village, who is also a member of the Planning Commission, noted that the applicants, Mr. Hunsberger and Mr. Garis, are two of the best builders that have ever worked in Hilltown Township. However, he heard statements in the applicant's presentation that, if you did not know what was in the current Ordinance, could fool you. Further, Mr. Fox questions the legality of the Township's professional planner reviewing a developer's proposal, at the developer's expense. If any builder wants a plan reviewed, Mr. Fox feels they should hire their own planner to review it. Mr. Fox does not believe the Township's professional planner, who is presently working on Hilltown's Comprehensive Plan, should review a developer's plan. Supervisor Parks explained that a professional consultant can be engaged by many clients to give that particular client an opinion. In fact, the Supervisors agreed in January to encourage this exact activity so that the Township can get an early look at what developers are proposing, and comments from our own professionals as early as possible in order to work together to make good decisions. Solicitor Grabowski recalls that the Township staff met with the developer to discuss this proposal initially, and advised that they could not provide any policy decisions, which had to be made by the Supervisors upon recommendation from the Planning Commission. Solicitor Grabowski was under the impression that the applicant agreed to reimburse the Township for the expense of the professional planner's review of their proposal. Chairperson Bennington advised that a review by the Township's professional planner, at the applicant's expense, was done for the Supervisor's benefit so that they would have an idea of what was being proposed with regard to an age-restricted community. Supervisor Parks commented this was the Township's consultant reviewing a proposal from the Township's perspective at the developer's expense. Discussion took place.

3. Mr. Donn Martin of 601 Cherry Road pointed out that the applicant purchased the property zoned RR, and personally, he would like to see it remain that way.

4. Ms. Barbara Santee of Cottswall Court in the Souderton, owns a property that borders the proposed subdivision. Ms. Santee asked if Hilltown Township presently has any age-restricted communities. Chairperson Bennington explained that age-restricted housing is permitted in various districts where there is public water and sewer, and the Quiet Acres Mobile Home Park could be considered an age-restricted

community. It appears to Mrs. Santee that Hilltown Township would be well served by such a community as proposed by the Tel-Vil Corporation this evening.

5. Mr. John Kachline, Chairperson of the Planning Commission, commented the by-right proposal must provide at least 3 acres of recreational area when 25 or more dwellings are proposed, which has not been addressed on the plan. Also, some of the lots as proposed may or may not be buildable because of the existing slopes, wetlands, and setback requirements. Further, the Township's professional planner suggested that the density for the proposed age-restricted housing is too high.

CONFIRMED APPOINTMENTS (Continued)

2. Ms. Donna Lombardi – Street Light Request – Highpoint Road – Mr. Bruce Nipper and Ms. Donna Lombardi were in attendance to present a petition signed by nine residents of the Highpoint Road/Hilltown Pike area requesting that a high lumen, low wattage dusk-to-dawn streetlight be installed at that intersection, in the interest of public safety. Ms. Lombardi advised that this petition had been submitted to Mr. Horrocks, the former Manager, in June of 1999, however nothing ever came of it.

Mr. Wynn noted that Highpoint Road is a private road, and there is a question as to whether the Township can require residents of a private road to pay the Street Light Tax. Solicitor Grabowski commented that those residents could agree to a payment-in-lieu of a Street Light Tax, and suggested that he and Mr. Wynn look into the matter.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize Mr. Lippincott to process an application to install a streetlight at the intersection of Highpoint Road and Hilltown Pike immediately. There was no public comment.

E. MANAGER'S REPORT – Mr. Greg Lippincott, Township Manager –

1. Mr. Lippincott presented Resolution #2000-12, proclaiming the week of April 2<sup>nd</sup> through 8<sup>th</sup>, 2000 as "Kids Blue Ribbon Week" to help focus public attention on the increasing problem of child abuse, in conjunction with the Exchange Club of BucksMont.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-12, proclaiming the week of April 2-8, 2000 as "Kids Blue Ribbon Week" in Hilltown Township.** There was no public comment.

2. Mr. Lippincott presented a work status report from the professional planner, Mr. Charlie Guttenplan of the Waetzman Planning Group, for the Board's

review. The next Comprehensive Plan Task Force Meeting will be held on April 5, 2000 at 7:30PM.

3. Mr. Adolph Jager previously requested the Board's consideration of an agricultural use of Township open space in the Longleaf II Subdivision. This matter was tabled at the March 13, 2000 worksession meeting. It is Chairperson Bennington's opinion that this request be denied. Supervisors Bender and Parks wished to discuss this matter further with Mr. Jager before making their decision, therefore, the matter was tabled for further discussion at the April 24, 2000 meeting.

4. Mr. Lippincott requested authorization to advertise the bid for the sale of a 1995 police vehicle.

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Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of bid for the sale of a 1995 police vehicle. There was no public comment.

5. Mr. Lippincott requested authorization to piggyback on the State bid to purchase a 14 ft. mower deck for the Trackless, in the amount of \$8,111.50, which was budgeted for the year 2000 in the amount of \$11,000.00.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize utilization of the State bid to purchase a 14 ft. mower deck for the Trackless in the amount of \$8,111.50. There was no public comment.

6. Mr. Lippincott requested authorization to bid for the purchase of a roller for the Public Works Department, which was budgeted for in the year 2000.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of a bid for a roller for the Public Works Department. There was no public comment.

7. The Public Hearing for consideration of an Ordinance to reduce the speed limit on Schoolhouse Road to 35 m.p.h. has been advertised to take place at the April 24, 2000 Supervisor's Meeting.

8. A request has been received from the Pennridge School District to waive building permit fees for the Grasse Elementary School land development. After review of Township minutes, and speaking to Mr. Wynn and representatives of East Rockhill Township, building permit fees have not been waived for the School District in the past.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to deny the request of the Pennridge School District to waive building permit fees for the Grasse Elementary School land development. There was no public comment.

F. CORRESPONDENCE: None.

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

1. Approximately two months ago, the Township began the process to accept a gift of approximately 1.5 acres of property from Mr. and Mrs. Gary Herrmann of Orchard Road, to be used as a continuation of a proposed walking trail through the Open Space program. This process included a friendly condemnation proceeding of property and signed agreements by Mr. and Mrs. Herrmann.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-13, to declare a relinquishment of certain property taken by eminent domain, and authorizing the Township Solicitor to proceed with relinquishment of that property (3.296 acres of property) on Orchard Road from Mr. and Mrs. Gary Herrmann.** There was no public comment.

2. Solicitor Grabowski requested an Executive Session following this meeting in order to discuss potential litigation.

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

1. Rotelle/Miller Subdivision – Mr. Dan Paci was in attendance to present the plan for a lot line adjustment subdivision located on Fairhill Road. This plan was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to the following conditions:

- An “existing stable” is identified on Lot #1, located approximately 75 ft. from the proposed lot line dividing Lot #1 and #2. Pursuant to Section 406.A.1 of the Zoning Ordinance, any building used for the keeping or raising of livestock, horses, fur-bearing animals, or poultry shall not be located less than 100 ft. from any street or property line. The structure, however, is not currently used for the keeping of animals and the majority of the structure has been converted to an accessory business use. “The Art Barn” which is an art studio initially permitted by Zoning Permit #1785 issued on May 27, 1998. A note must be included on the plan advising the current and future property owners that the “stable” structure may not be used for the keeping or raising of livestock pursuant to



Section 406.A.1 of the Zoning Ordinance. Structure must be described as an accessory building on the plan with a note indicating its current usage.

- Waivers requested from Section 504.D & K with respect to the irregularly proposed lot line and lot depth width ratio are recommended for approval.
- A note must be included on the plan indicating that an erosion and sedimentation control plan must be prepared in accordance with Bucks Conservation District requirements prior to issuance of a Zoning/ Building Permit for any construction activity on Lot #2.
- Note #7 indicates that all proposed lot corners are to be marked with 5/8" diameter iron pins. As required by Section 522 of the Subdivision Ordinance, all property corners shall be concrete monuments. Accordingly, Note #7 on the plan must be revised to identify installation of concrete monuments. Installation of property monumentation must be accomplished prior to plan recordation and be certified in writing by the responsible surveyor.
- Plan must be revised to include the following requirements as contained within Section 402 of the Subdivision Ordinance:
  - Boundary line of the subdivision shall be shown as solid heavy line.
  - Graphic scale shall be provided for the location map.
  - Use of the "existing stable" structure must be identified on plan.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant preliminary/final plan approval to the Rotelle/Miller Subdivision, pending completion of all outstanding items as noted above. There was no public comment.

The applicant presented mylars for signature following this meeting.

2. Cope/Landis/Alderfer Subdivision – This lot line adjustment located on Maron Road/Fairhill School Road was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to the following conditions:

- A waiver is recommended from Section 405.2.D of the Subdivision Ordinance that requires that lot lines intersecting street lines shall be substantially at right angles or radial to the street line from the street line to the rear lot line.

- Property monuments must be installed in accordance with Section 522 of the Subdivision Ordinance and be certified in writing by the responsible surveyor prior to plan recordation.
- The ultimate right-of-way of Fairhill School Road and Maron Road is offered for dedication via Note #4 on the plan and should be accepted by the Township as an easement.
- The conveyed parcels must be consolidated with the adjoining lands into a single deed with a single outboundary description to prevent creation of a lot non-conforming to area/width requirements of the Zoning Ordinance.
- TMP #15-24-5-4 is incorrectly referenced as TMP #15-28-50-4 on the plan note and must be revised.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant preliminary/final plan approval to the Cope/Landis/Alderfer Subdivision, with the waiver of lot lines intersecting street lines to be granted, and pending completion of outstanding items as noted above. There was no public comment.

3. Hilltown Plaza Outparcel Land Development – This final land development/subdivision plan was unanimously recommended for approval subject to the following conditions:

- A deed of consolidation must be recorded at the time of plan recordation to consolidate TMP #15-1-36-7, TMP #15-1-36-8, and TMP #15-1-36-5 into a single deed with a single outboundary description as shown on sheet 2 of 11 of the plan set.
- Development/Financial Security Agreements must be executed between the developer and the Township to guarantee installation of required improvements.

Mr. Weiss advised there is an anticipated grand opening of the Giant Food Store scheduled for June of 2000.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the Hilltown Plaza Outparcel Land Development, pending completion of all outstanding items as noted above. There was no public comment.

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

1. Hilltown Plaza (Giant) – Mr. Ross Weiss, Esquire, was present to discuss a proposed revision to the approved plan regarding the retaining wall along the perimeter of the parking lot. Mr. Edward Lezny, a consulting engineer specializing in geotechnical engineering, was in attendance to discuss the proposal by the developer. The masonry retaining wall is proposed to be revised to consist of geo-fabric over the rock cut to stabilize the top of slope and contain loose material. The geo-fabric is then proposed to be planted with ivy at both the toe and the top of the slope. The developer has acknowledged that the revision is proposed due to the reduced cost versus installation of the originally proposed masonry wall and problems with tying the masonry wall into the rock embankment. Since this is a private improvement, Mr. Wynn has no engineering objections to the proposal, however the Township may wish to consider some type of “hold harmless” agreement with the developer to protect the Township in the event there is a future injury, as well as an agreement to insure that the geo-fabric vegetative retaining structure is adequately maintained in the future. Solicitor Grabowski agreed. Mr. Weiss explained that the applicant is willing to place a note on the land development plan advising that the maintenance of the retaining wall will be the perpetual responsibility of the developer and that the municipality will be held harmless. A lengthy discussion took place. Solicitor Grabowski, Mr. Wynn and Mr. Lippincott will review the proposal and prepare a draft “hold harmless” agreement for the Board’s consideration at their meeting in April.

2. Stormwater Management Ordinance – Mr. Wynn requested authorization to advertise for public hearing/adoption of the Stormwater Management Ordinance. The proposed Subdivision/Land Development Ordinance amendment relative to stormwater management should be advertised for the same evening. Copies of both Ordinances have been forwarded to the Bucks County Planning Commission for review.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of the public hearing for the Stormwater Management Ordinance and the proposed Subdivision/Land Development Ordinance amendment relative to stormwater management, scheduled for May 22, 2000. There was no public comment.

3. Two months ago, Mr. Wynn discussed the issue of changing required street trees within the Lynrose Estates Subdivision from Norway Maples to White and Green Ash. Since that time, Mr. Wynn received correspondence from the developer, requesting a change from White Ash trees to Green Ash, Sugar Maple, Pin Oak, and Sweet Gum, which are all on the current list of acceptable tree plantings. Apparently since the developer made the original request to change tree plantings, White Ash trees are no longer available.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to permit the developer of the Lynrose Estates Subdivision, to revise their landscaping plans from Green and White Ash trees, to Green Ash, Sugar Maple, Pin Oak, and Sweet Gum. There was no public comment.

4. A recommendation was made by the Planning Commission to deny the Seylar Elementary School Preliminary Plan unless an extension was received by April 11, 2000. No new plans have been submitted, however Mr. Wynn spoke with Mr. McCall of the School District on March 21, 2000, who forwarded a written 90-day extension until July 10, 2000. It is Mr. Wynn's understanding that the School District is pursuing Planning Module approval from DEP, yet they have not submitted revised plans to either the Township or PennDot.

J. MYLARS FOR SIGNATURE:

1. Rotelle/Miller Subdivision

K. PUBLIC COMMENT:

1. Mr. Bill Rieser of 508 Telegraph Road noted that the Township Solicitor announced earlier that he wished to meet with the Supervisors in Executive Session following this meeting to discuss matters of litigation. If that particular litigation involves a subdivision or land development, Mr. Rieser wondered if it would be possible or appropriate for members of the Planning Commission that are present this evening to attend that Executive Session. Solicitor Grabowski advised that his request for an Executive Session was to discuss personnel matters. If there is ever discussion concerning litigation regarding subdivisions or land developments, Mr. Rieser feels that Planning Commission members should be included.

2. Mr. John Kutzner, president of Deep Run Valley Sports Association, advised that members of Deep Run met with Mr. Wynn and two members of the Park and Recreation Board at 6:30PM this evening to discuss the plan for the site at Rt. 152 and Fairhill Road. Mr. Kutzner is seeking the Board's direction as to how to proceed with site work. Mr. Wynn indicated that a Soil Conservation permit must be obtained. Mr. Wynn met with the former Manager, and representatives from Deep Run on the site several weeks ago, from which he prepared a sketch of an inexpensive, low-impact, fifty-car parking lot that would be constructed in stone. The proposed entrance is located in what was once the dwelling site on Fairhill Road, for appearance and visibility, and to reduce the stormwater impact. The proposed parking area has a gentle grade that would direct any stormwater runoff from the parking lot across the meadow area or across the lawn area that will be used for practice fields. Mr. Wynn is not in possession of a plan identifying where the existing trees are located on the property. For the most part, the remaining trees are low-quality, with the largest tree being a Norway Maple, which the

Township no longer permits to be planted in buffer yards or open space areas because it is a non-native species. This Norway Maple may have to be removed. The brush and trees that will conceal the proposed parking area are located closer to Rt. 152 and will not be disturbed. The parking area is proposed to be 60 ft. by 250 ft. with a 20 ft. access from Fairhill Road, as far away from the intersection with Rt. 152 as possible, while still keeping it in the former dwelling parcel. Mr. Wynn advised that a Soil Conservation permit will be filed as soon as possible, however the time frame for approval could be quite lengthy. Discussion took place.

3. Mr. Jim Hesson of 1904 Upper Stump Road expressed his concern with the stormwater runoff from the Gray Subdivision. Mr. Wynn has reviewed the site in the past, and Mr. Buzby, the Director of Public Works has also been contacted concerning this matter. Mr. Hesson advised the road is deteriorating from the ponding water. Mr. Wynn explained a box trench was constructed across the entrance to the Gray Subdivision, and some minor grading was done along the road. All the water from the Gray's driveway flows to the road in front of Mr. Hesson's dwelling, where there is no ditch. New Britain Township maintains this portion of Upper Stump Road. Mr. Wynn met with the former Manager and Mr. Buzby at the site in October or November of 1999. Mr. Horrocks was to contact the Director of Public Works from New Britain Township, however Mr. Wynn does not know if that meeting ever took place. Mr. Lippincott has spoken to Mr. Roberts, the Director of Public Works for New Britain Township, who assured him that he would rectify the situation. Mr. Lippincott will contact New Britain Township again in the morning to learn the status of the situation. Discussion also took place concerning the speed limit of Upper Stump Road.

4. Mr. Jack Fox of Hilltown Village, is very happy that this proactive Board is finally utilizing Township open space for Deep Run, however he wondered if Deep Run will be the only people permitted to use that land. Supervisor Bennington replied that the site at Rt. 152 and Fairhill Road is still Township property, and if residents wish to use that open space area, they are more than welcome to. Several years ago, Mr. Fox suggested that a tot lot be constructed on that site so that other Township residents could use the open space. Since there is a large tot lot at the Civic Park on Rt. 152, Mr. Wynn does not believe there would be a need for another one that close to the park.

5. Mr. Harry Mason of 902 Morgan Lane feels the Supervisors are entirely within their rights to insist that any speakers under the Public Comment portion of the agenda, focus on their remarks and avoid unnecessary repetition.

6. Mr. John Kachline of Mill Road presented information concerning proposed Senate Bill #300 that has gained attention through Senator Conti. Mr. Kachline advised a leading planner did a review on the present Bill. The Coalition of Local Government is recommending that this Bill be defeated, because in its present state, it

could actually be harmful to municipalities. Supervisor Bender will have the opportunity to meet with Senator Conti on Thursday evening, and he will discuss the matter with him.

7. Mr. Larry Derby of 2524 Hilltown Pike questioned the status of the possible installation of lights at the Deep Run Valley Sports Association property on Callowhill Road. Mr. Lippincott advised that Deep Run has not yet filed an application for Conditional Use to the Township at this time. The neighboring property owners on Callowhill Road met with Deep Run representatives two weeks ago to discuss their proposal. Mr. Derby drafted a letter that he presented to the Deep Run board at that time, along with a petition signed by the neighboring residents, stating their opposition to the proposal for light installation on the playing fields at Deep Run Valley Sports Association.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Parks encouraged all Hilltown Township residents to complete their Census form.

2. Supervisor Parks wished to clarify what might be a possible misunderstanding concerning roles, since the Supervisors decided that they would be more proactive with regard to development in the year 2000. Supervisor Parks referred to the discussion she had earlier in this meeting with Mr. Fox concerning the possible ethical issue with the Township consultant reviewing a developer's proposal. Supervisor Parks explained that the "client" is the Township, the "analyst, expert, or recommender" is Mr. Guttenplan, Mr. Heinrich, Mr. Wynn, Solicitor Grabowski, etc., all individuals who have subject matter knowledge that the Board might not have in order to make informed decisions. There is also the person or organization who pays the bills. In this particular case, the information provider was the developer of the Longaere Tract. The only way the Township could obtain information about this proposal was to request it from the developer. As a matter of course, the Township pays Mr. Guttenplan's bills, however in the case of development reviews, Hilltown Township is still the "client," Mr. Guttenplan is still the "expert," and the information provided comes from someplace else, in this case, the developer, who also paid the bill. Supervisor Parks felt that in this particular instance, it would benefit the developer to know the Township's stance on the matter through the professional planner's review, with the developer agreeing to pay the professional planner's bill. Supervisor Parks commented that Hilltown Township is still the client and is still responsible for making the decisions, and Mr. Guttenplan provides services to the Township. Supervisor Parks asked Mr. Fox to not confuse who pays the bills with who the client is. The more information the Board of Supervisors can obtain from experts and developers, and the earlier it is received, the better their decisions can be. Discussion took place.

3. Two weeks ago, Supervisor Bender attended the "Walkable Communities" seminar at the Upper Bucks campus of Bucks County Community College. Supervisor Bender thanked Mr. Lippincott for coordinating this seminar, and noted that Hilltown Township was the best represented community with members of the Park and Recreation Board, Open Space Committee, Planning Commission, and Supervisor members present. Supervisor Bender was pleased with the continuing effort by all boards and commissions of the Township to increase their knowledge.

4. Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel issues.

5. Chairperson Bennington advised that Candidates Night, sponsored by the Hilltown Civic Association, will be held on Tuesday, March 28, 2000 at 7:30PM at the Municipal Building.

6. Chairperson Bennington recently received notice from Suburban Cable advising that there will be another rate increase. Chairperson Bennington suggested that the Township solicit other cable companies to present competitive proposals as an alternative to Suburban Cable. Supervisors Bender and Parks agreed.

7. Chairperson Bennington commented that the first offender of the Cell Phone Ordinance will be heard by Judge Gaffney on Friday, March 31, 2000 at 9:15PM. Chief Trauger advised the hearing has been continued to April 6, 2000.

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

N. ADJOURNMENT: Upon motion by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously, the Hilltown Township Board of Supervisors meeting of March 27, 2000 was adjourned at 10:12PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary