

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 25, 2005
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:33PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr. – Vice-Chairperson
Richard J. Manfredi – Supervisor
Christopher Engelhart – Chief of Police
Francis X. Grabowski – Township Solicitor
C. Robert Wynn – Township Engineer
Lynda S. Seimes – Township Secretary

Chairperson Bennington announced that he and Supervisor Egly (minus Supervisor Manfredi) met in Executive Session following the July 11, 2005 Worksession meeting in order to discuss the H & K Quarry legal matter. The entire Board also met in Executive Session prior to this meeting in order to discuss real estate, personnel, and legal matters with respect to the Guttman Tract and Pleasant Meadows.

A. PRESENTATION OF JACK C. FOX CITIZEN OF THE YEAR AWARD – Last year, Supervisor Manfredi suggested establishing the Citizen of the Year Award, which was named after former Supervisor, Planning Commission member, and community volunteer, Mr. Jack C. Fox, who was also the first recipient of this award. The Supervisors had hoped that in the coming years, Mr. Fox would be the presenter of future recipients, however he recently passed away.

This year, the Board of Supervisors unanimously chose an individual who has lived in Hilltown Township for most of his life, who is a long-time Planning Commission member since 1984, and who, with his wife and family, has preserved a great deal of open space acreage in Hilltown Township. This individual also serves on many boards and committees in Bucks County. It was with great pleasure that Chairperson Bennington, on behalf of the Hilltown Township Board of Supervisors, presented the 2005 Jack C. Fox Citizen of the Year Award to Mr. Kenneth Beer.

Supervisor Manfredi commented that when the Board originally discussed who would be deserving to follow Jack Fox as the recipient of the 2005 Citizen of the Year Award, Mr. Beer was the unanimous choice because of everything he has done for so many years in Hilltown Township and elsewhere on a daily basis.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Joe Marino of Redwing Road had made a suggestion at the June 27, 2005 Supervisor's meeting that the meeting minutes be emailed to the various board and commission members, rather than mailed in order to save on postage costs and to lighten the workload of the Township employees, who he feels should be the Board's first priority in the absence of a Township Manager. At that time, the Board of Supervisors told him they would "take it under advisement."

Supervisor Manfredi felt that this was an administrative matter that did not require Board action, and suggested that Mrs. Seimes contact each board/commission member to determine their preference as to whether they wished to receive copies of the minutes via email, from the Township website, or by obtaining them at the Township building. Chairperson Bennington and Supervisor Egly agreed.

C. APPROVAL OF MINUTES – Action on the minutes of the July 11, 2005 Supervisor's Worksession Meeting – Supervisor Manfredi noted the following correction to page 8, last paragraph, which should state "Supervisor Manfredi suggested that the Planning Commission review the in-law suite provisions to the Ordinance amendments **and ADA requirements to consider ways to care for the elderly. Supervisor Manfredi felt that the Zoning Ordinance amendments should take into consideration certain language to address special needs for the physically disabled and that the Township should also consider ways that our residents can care for their elderly family members, whether through in-law suites or some other provision, via a smooth, inexpensive process.**"

Chairperson Bennington noted the following correction to page 3, which should state, "Supervisor **Bennington** requested a status report of the drainage issues at the Hilltown Pike area."

Chairperson Bennington also referred to page 7, third paragraph "Public Comment," which should be clarified to explain that Mrs. Bolger made a brief public comment about the Guttman Tract, after which time Mr. Rush entered back into the Planning Commission Report.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the July 11, 2005 Supervisor's Worksession Meeting, as corrected. There was no public comment.

D. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated July 26, 2005, with General Fund payments in the amount of \$34,487.63, Park and Recreation Fund payments in the amount of \$262.20, State Highway Aid Fund

payments in the amount of \$5,916.95, and Escrow Fund payments in the amount of \$5,000.00; for a grand total of all payments in the amount of \$45,666.78.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated July 26, 2005, as written. There was no public comment.

E. CONFIRMED APPOINTMENTS: None.

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

1. Solicitor Grabowski presented the Wagner/Halliday Stormwater Management and Financial Security Agreements for the Board's consideration. The location of this project is the former cigar factory directly across Rt. 113 from the Miller Tire Center in Blooming Glen. The applicant is renovating the building, proposes an expansion of the parking area and impervious surface, and is constructing underground stormwater detention facility beneath the parking lot. The applicant has chosen to post a letter of credit with First Savings Bank of Perkasie in the amount of \$10,895.00.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to adopt and accept the Wagner/Halliday Stormwater Management and Financial Security Agreements as noted above. There was no public comment.

2. Solicitor Grabowski presented revised Sewage Maintenance Agreements for the Patel Subdivision located on Mill Road (TMP #15-22-160-2). Application was made for a sandmound system on one lot and an A/B Soil System on the other. As a result of regulation changes by DEP, the original set of agreements were returned to the applicant to address additional requirements by DEP.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the revised Sewage Maintenance Agreements for the Patel Subdivision, as noted above. There was no public comment.

3. A request has been received from the applicant for the Guttman Tract Subdivision for the Board to consider scheduling a Zoning Change Hearing for the August 22, 2005 Supervisor's meeting. A review has been received from the Bucks County Planning Commission dated May of 2005, and Solicitor Grabowski understands that the Planning Commission has also made a recommendation at their most recent meeting. This issue would be discussed in greater detail under the "Planning" portion of the agenda.

4. At the last meeting, discussion took place with respect to the Calvary Church Land Development project where it was noted that PennDot has requested that the Township convey road frontage to them on a parcel that is now owned by the Church. Solicitor Grabowski has the Deed of Dedication of the road frontage, however he believes that Mr. Wynn should review and compare the legal description on the Township's deed with the legal description that PennDot has provided to insure they match.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize review of the legal descriptions and Deed of Dedication for the Calvary Church road frontage as noted above by the Township Engineer. There was no public comment.

5. With respect to the recent complaints regarding the Pleasant Meadows stormwater issue, Solicitor Grabowski advised that a title search has been accomplished and he will be providing a written report showing that a stormwater easement does indeed exist and seeking the Board's direction with how they wish to proceed. This report will be available at the next Supervisor's Worksession meeting.

6. Supervisor Manfredi referred to the cable television franchise issue with respect to the Intergovernmental Cooperation Act and agreements that several area municipalities intend to enter into with Verizon. He believes that copies of a draft Agreement have been forwarded to the Board, and suggested that the Supervisors should take a more active role in determining whether Hilltown Township wishes to participate with those other municipalities. Solicitor Grabowski advised that the Township's Franchise Agreement with Comcast expires at the end of 2006.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Township Solicitor's review of the proposed Intergovernmental agreement with Verizon. There was no public comment.

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

1. Guttman Tract Subdivision/Rezoning Petition (Status) – The re-zoning petition filed by D'Angelo Construction for the Guttman Tract parcel located on Green Street, to rezone the property from RR to CR-2 in order to permit a cluster development with a minimum lot size of 20,000 sq. ft. was discussed by the Planning Commission at their last meeting. The Planning Commission made multiple motions regarding the re-zoning request, which are as follows:

- A motion was made by Mr. McIlhinney, seconded by Mr. Bradley and approved by a 5-2 vote (with Mr. Kulesza and Mr. Rush voting no)

recommending that the applicant submit another plan identifying a by-right subdivision of 45 lots with 50,000 sq. ft. minimum lot size. (The applicant's legal counsel advised that they would not comply with the Planning Commission's request for another by-right plan submission).

- A motion was made by Mr. McIlhinney that since neither cluster plan proposal accurately depicted what the Township expects for open space, and to offset tax loss, the re-zoning request should be rejected. This motion died for lack of a second.
- A motion was made by Mr. McIlhinney and was seconded by Mrs. Hermany, with Mr. Kulesza, Mr. Rush, and Mr. Beatrice opposed, to recommend that a sketch plan be submitted for review containing intermingled lots of varying sizes, including 20,000 sq. ft., 30,000 sq. ft., and 50,000 sq. ft. lots, with "meaningful" open space, prepared in a manner that the majority of the Planning Commission could agree upon prior to recommending the re-zoning request.
- A motion was made by Mr. McIlhinney and seconded by Mrs. Hermany with Mr. Kulesza, Mr. Bradley, and Mr. Beatrice opposed, indicating that since the applicant had verbally agreed to submit a plan with mixed lots of sizes ranging from 20,000 sq. ft., 30,000 sq. ft., and 50,000 sq. ft. with meaningful open space, the Planning Commission would recommend approval of the re-zoning request from RR to CR-2, provided the applicant submits a sketch plan that is deemed favorable by the Planning Commission.

Mr. Ed Wild, the applicant's legal counsel, was in attendance to request that the Board of Supervisors schedule a Public Hearing to consider the applicant's request to re-zone the Guttman Tract property from the Rural Residential District to the Country Residential-2 District. The applicant met with the professional and administrative staff in February of this year. The Bucks County Planning Commission review issued its review on May 6, 2005, recommending that the re-zoning request be approved.

Supervisor Manfredi noted that the Township Planning Commission's recommendation of approval of the applicant's re-zoning request was conditioned upon their review of a mixed lot size plan with meaningful open space. For the Board of Supervisors to consider a re-zoning of this property, Supervisor Manfredi would feel more comfortable knowing that all alternatives for the subject parcel have been examined. Chairperson Bennington explained that the Board is seeking affirmation from the applicant that they will provide a mixed lot size plan with meaningful open space for this property before the Supervisors consider their request for re-zoning of the property. Supervisor Manfredi

asked if the type of development the Planning Commission has requested would be permitted in the CR-2 Zoning District. Mr. Wynn replied that it would, noting that the minimum lot size in CR-2 is 20,000 sq. ft., so that a plan with a number of mixed lot sizes is permitted. If a plan can be submitted in conformance with the CR-2 District requirements and satisfactory to the Planning Commission, then Supervisor Manfredi would be agreeable to scheduling a Public Hearing to consider the applicant's request. Mr. Wild agreed that the re-zoning petition for the site was not plan specific, however he noted that there is no density bonus and there would be no additional lots garnered by virtue of the Cluster Option. It is the applicant's intention to continue to work with the Planning Commission and the Board of Supervisors through the preliminary plan process to provide a subdivision plan that meets their preferences. Lengthy discussion took place.

Chairperson Bennington questioned the reasons for the three opposing votes on the Planning Commission's final motion, asking if the three were opposed to the re-zoning change itself or were opposed to the submission of a mixed lot size plan with meaningful open space. Mr. Wynn was not certain if it was either of those points or a combination of those points along with the concern that the Planning Commission has not seen a specific plan for the site.

Mr. Jack McIlhinney, the Commission member who made that final vote, explained that last year the applicant presented a plan showing a certain number of lots and a certain amount of open space. However, that open space was proposed to be deed restricted open space to be included with several lots, and therefore would not be available for public access. Mr. McIlhinney then made the motion recommending that the applicant provide the Planning Commission with a sketch plan showing open space that would be available for public use, preferably contiguous to the Silverdale Borough Park and proposing a variety of lot sizes from 20,000 sq. ft. to 50,000 sq. ft. lots. He noted that the applicant then agreed to provide that type of plan and would work in conjunction with the Planning Commission to insure that happened. Mr. McIlhinney feels that the Supervisors have the authority to condition their re-zoning approval for this site on the applicant providing the type of plan the Planning Commission has requested. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of a Public Hearing to consider the re-zoning change request for the Guttman Tract. There was no public comment.

Solicitor Grabowski advised the applicant that the Township does not normally provide a stenographer for Zoning Change Public Hearings.

2. Blooming Glen Mennonite Church Land Development Waiver – The land development waiver request for a proposed 4,000 sq. ft. community pavilion to be constructed in the rear yard of Blooming Glen Mennonite Church located on Blooming Glen Road was unanimously recommended for approval by the Planning Commission subject to the following being accomplished:

- Construction of the stormwater management swale shown on the plan should be guaranteed via execution of a Development/Financial Security Agreement pursuant to Section 701 of the Township Stormwater Management Ordinance, or the swale should be constructed, installed, and stabilized prior to issuance of zoning/building permit for the community pavilion.
- Verification of approval should be received in writing from the Bucks County Conservation District for proposed erosion and sedimentation control measures to be implemented during earth disturbance activity. A copy of the erosion and sedimentation control plan submitted for review and approval by the Bucks County Conservation District should be submitted for Township records.
- Sanitary sewer and water laterals identified on the plan for connection to the community pavilion should be approved by HTWSA, who is the servicing Authority.
- Building permit should not be issued until building construction plans are reviewed by the Code Enforcement Officer for compliance with applicable building codes.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to grant approval of land development waiver to the Blooming Glen Mennonite Church, pending completion of all outstanding items as noted above. There was no public comment.

3. White Chimney Farms/Cinnabar Farms Subdivision (Proposed Zoning Hearing Board Application/Site Consolidation) – Mr. Chris Canavan of W.B. Homes was in attendance to discuss the proposed Zoning Hearing Board application of W.B. Homes to consolidate the two subdivisions and to utilize the small cluster lot on the Cinnabar Farm Tract, while preserving the open space on the White Chimney Farms Tract.

After significant review and discussion by the Planning Commission at their last meeting, a motion was made by Mr. Beer, seconded by Mr. Bradley, and unanimously approved for the applicant to move forward to the Zoning Hearing Board provided the land at

White Chimney Farm is preserved via a sale of development rights and remains one parcel, that additional open space is provided on the Cinnabar Farm tract, and that a financial arrangement with funds to be used toward recreation facilities/open space is resolved in a manner acceptable to the Board of Supervisors.

The Planning Commission's main concern seemed to be with the eventual disposition of the White Chimney Farms property. It was the applicant's intent to propose a 34-acre open space tract that would surround a flag lot of approximately 2.65 acres to retain the existing dwelling and structures. Mr. Canavan explained that this would allow the applicant to sell the outparcel to meet the financial model for this proposal to succeed. The Planning Commission, however was not in favor of this concept and felt that the White Chimney Farms property should remain as one contiguous parcel. They further felt that the developer should dedicate the entire parcel, including the dwelling and outbuildings, to the Township. Mr. Canavan felt that there are other ways to approach the issue, such as deed restricting a majority of the property against future development and placing a conservation easement on the land in favor of the Township. Mr. Canavan stated that the developer must earn a certain amount of money from this property to make their financial model work, and any funds over and above that eventual sale could be shared with the Township as a compromise. In the alternative, the Township could also take a portion of that property as dedicated open space to own fee-simple.

Another recommendation by the Planning Commission was for the applicant to consider the rear of Lots #6 through #12 on the Cinnabar Farms property as a conservation easement in order to garner additional open space. However, Mr. Canavan noted that the Ordinance requires that a certain area of land, free and unencumbered from easements, is required to create the lot area of 30,000 sq. ft. With the drainage easement created by the waterway in the middle of it, the applicant is having a difficult time providing for any additional easements on these properties without making the lots smaller than the allowable 30,000 sq. ft. Mr. Canavan explained that basically, the area in question would remain as open space in private hands, which would be very minimally accessible to those property owners due to its close proximity to the waterway. The applicant did, however, manage to find an additional minimal amount of open space (.4 acres) that was added onto Open Space Area D, which brings the open space calculation to 48.5%. Mr. Canavan advised that the 5.06 acres of open space located in East Rockhill Township has not been included in the open space calculations since the area is outside the municipal borders of Hilltown Township. The applicant could consider seeking an additional variance that would allow them to incorporate area outside the municipal borders into the density calculations, which would allow the gross area for the site to be calculated as open space. The net effect of that action would provide for approximately 51% of open space for the site.

The variances to be requested from the Zoning Hearing Board are as follows:

- To allow two non-contiguous tract areas to be calculated for the purposes of density.
- To permit the site to be served by public sewer. (The Ordinance requirement for Cluster Option in the RR District requires that the lots be served by on-site septic systems).
- To reduce the minimum lot size for a flag lot from 10 acres to 2.65 acres for the White Chimney Farms property.
- To reduce the amount of open space required from 55% to 47%.

Discussion took place concerning the Planning Commission's recommendation that the Township benefit financially from the White Chimney Farms parcel, whether through the sale of development rights or the sale of the existing farmhouse lot. Mr. Canavan would prefer not to negotiate the specific monetary issues in this forum, however he believes the applicant can foster a fair cost sharing arrangement with the Township. If the White Chimney Farms parcel were to be accepted by the Township as deed restricted open space, Chairperson Bennington would hope that full disclosure would be provided to the purchaser of the 2.65-acre existing farm property. Mr. Canavan assured the Board that if that scenario was chosen, the prospective buyer would be made aware of whatever restriction had been placed on the surrounding open space area as determined by the Township. He noted that W.B. Homes does not have a particular preference as to how the Township proceeds with the White Chimney Farm property if it were to approve the consolidation plan. Rather, the applicant has a dollar number that must be met in order to make the project fiscally feasible.

Solicitor Grabowski noted that the applicant always has the right and the option to appeal to the Zoning Hearing Board. He asked if the Board wished to oppose any of the applicant's variance requests by authorizing his attendance at the Zoning Hearing Board meeting. Solicitor Grabowski explained that the decision as to whether or not the Board wishes to oppose the variance requests depends upon the issue of what is proposed for the White Chimney Farms property. Solicitor Grabowski stated that perhaps Mr. Canavan should provide a proposal to the Township, specifying the details of the various scenarios for the White Chimney Farms property, prior to the Board determining whether or not they would oppose the applicant's requested variances. Discussion took place.

Mr. Jack McIlhinney stated that most residents are in favor of open space and obtaining a large parcel like this is very enticing, however it appears that this particular proposal would allow a single developer to create it's own TDR program. Solicitor Grabowski commented that the Zoning Hearing Board would discuss and provide a decision on this very issue. Even though the Township has not established a TDR program, Mr. McIlhinney wondered what would prohibit any other developer who may own two or

three non-contiguous parcels to make a similar request. Mr. McIlhinney's concern is based on the fact that while the Township would be the recipient of a large tract of open space, there would be no open space available for the residents living on 30,000 sq. ft. lots within the Cinnabar Farms Subdivision. This scenario would make for less tax revenue for the Township on the White Chimney Farms parcel, and likewise on the Cinnabar property due to the much smaller lots without the open space. Mr. McIlhinney is not certain why the Board should even consider this proposal, since the Township normally promotes and encourages open space to be included in every proposed development.

Supervisor Manfredi reminded Mr. McIlhinney that both Cinnabar Farms and White Chimney Farms Subdivisions received conditional approval to proceed with the proposed number of dwelling units on each parcel at this time. The Board is now being asked to consider whether they want to trade off open space at White Chimney Farms for more dwellings on the other parcel. Once the Zoning Hearing Board renders its decision, Supervisor Manfredi advised that the Board of Supervisors would be able to consider their options.

As clarification, Mr. Wynn explained that the Ordinance does not require open space to be accessible to the residents of a development. It can, for example, be used as farmland or conveyed to a corporation or trust, while not being accessible to any of the residents of that development. Mr. Wynn stated that there is a recreation land component that must be met which also has a provision for a fee in-lieu-of actual recreation land. While that may be true, Mr. McIlhinney believes it has been the policy of the Township that open space should provide a bucolic setting around the development that is desired by the Township.

Mr. Ken Beer noted that the Planning Commission felt there should be a conservation easement on the White Chimney Farms property in order to prevent the possible sale of that open space parcel by a future Board of Supervisors. Mr. Beer believes that the Township should determine the monetary worth of the 2.65-acre parcel with the existing dwelling and then the difference between the worth of that parcel and the worth of the entire 38-acre parcel including the existing house and barn, should be the Township's fair share.

Mr. Joe Marino of Redwing Road commented that the first variance the applicant is requesting, to allow two non-contiguous tract areas to be calculated for the purposes of density, is nothing more than a transfer of development rights, which is an issue that the Zoning Hearing Board cannot approve, since a TDR program is not in place. While Mr. Marino looks favorably upon the proposal put forth by the developer, he reminded the Board that they must do what is right and what is legal. He feels that this proposal is an outright transfer of development rights, which requires the adoption of an Ordinance to

do. Mr. Marino quoted a set of minutes of a Comprehensive Plan Task Force meeting, where he had asked for a definition of "development rights." It was explained to him very comprehensively by one of the members of the Board, as follows "It is the difference between before and after removal of rights." At that time, Mr. Marino told the Task Force that a specific formula must be put in place so that everyone is aware of the calculations and procedures involved, including who gives and who sends those development rights. Mr. Guttenplan, the Township Planner at the time, stated that it would require the adoption of a very complicated Ordinance. Mr. Guttenplan further stated that the Township had to create a plan that was legally defensible.

Mr. Marino feels that the Board of Supervisors must first develop and adopt a Transfer of Development Rights Program before they can consider moving forward with this request. Mr. Marino read the following newspaper article quote "Locally, a number of Townships in Bucks County have had programs since 1970. These programs have not been very successful because the Ordinance did not create a match between the price developers are willing to pay for the development rights and the price at which farmers are willing to sell." Chairperson Bennington commented that the Supervisors have been accused in the past of "not thinking outside the box" or of "wearing blinders," yet it appears Mr. Marino would prefer to see new dwellings constructed on both these properties. Mr. Marino disagreed, stating that the Board can do whatever they want as long as it is legal. Since a Transfer of Development Rights Ordinance has not been adopted in this Township, Mr. Marino does not believe this proposal can legally move forward. Lengthy discussion took place.

Mr. Canavan commented that the developer is not, in any way, attempting to create a transfer of development rights. He pointed out that there is specific language in the Ordinance that while calculating density, states that any lands that are non-contiguous, across the street from each other, or have a major barrier such as a river, stream, or railroad tracks, cannot be counted as density. Mr. Canavan believes that this scenario is no different than if these two properties were located across the street from each other. The applicant is simply seeking a variance to allow them to incorporate these two properties, and it is not a transfer of development rights. Mr. Marino disagreed, stating it is a matter of interpretation. He feels that the most important thing the Board of Supervisors should try to preserve are the rights of the individual property owners they have been elected to represent.

Ms. Sandy Williamson of Mill Road believes this proposal is a unique circumstance. She does not feel approval of it would necessarily set a precedence since W. B. Homes is the equitable owner of both parcels. They would not be offering another landowner development rights in exchange for building more homes on one of these parcels, which in her opinion would constitute a TDR program.

Ms. Williamson physically drove the distance from the Cinnabar Farms property to the White Chimney Farms property and discovered that it is less than a 1/10th of a mile. At the Planning Commission Worksession meeting, Mr. McIlhinney made a point of noting that perhaps the surrounding property owners of the White Chimney site would prefer a public sewer connection, to having the beautiful vista and the open space preserved near their homes, which Ms. Williamson disagreed with. She believes the value of those neighboring homes would be increased greatly by having the White Chimney Farms land in a conservation easement. Ms. Williamson thinks that Mr. Beer's suggestion of having the land privately held with a conservation easement makes a great deal of sense, and feels that this would be a very creative and innovative approach to preserve a large tract of open space.

Mr. Mark Funk of Broad Street agreed with Mr. Beer that the White Chimney parcel should remain all as one piece, with the property owner continuing to maintain it.

There was no further public comment.

4. Miller Tract Subdivision (Final) – Mr. Bradley Clymer, the applicant's engineer, was in attendance to present the plan. This three-lot subdivision located on Schultz Road/Keystone Drive was unanimously recommended for conditional final plan approval subject to completion of outstanding items as contained within the July 8, 2005 engineering review.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Miller Tract Subdivision, pending completion of all outstanding items as contained within the July 8, 2005 engineering review. There was no public comment.

5. Traynor Subdivision (Minor) – Mr. Todd Myers, the applicant's engineer, and Mr. Dan Traynor, the applicant, were in attendance to present the plan. This minor subdivision located on Church Road was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of all outstanding items as contained within the July 8, 2005 engineering review, with the Planning Commission recommending approval of all waivers requested by the applicant.

Proposed street improvements consist of work northeast of the culvert. From the point of the proposed drainage easement to the end of the property, there is a very badly eroded swale along the edge of the roadway, which vertically drops approximately 30" at the edge of the pavement. This is proposed to be improved with a shoulder and a stabilized swale. Mr. Wynn noted that this condition also exists beyond the limits of the site, however the worst part of it is along the lot frontage.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to recommend conditional preliminary/final plan approval of the Traynor Subdivision, pending completion of all outstanding items as noted in the July 8, 2005 engineering review. There was no public comment.

6. Braccia Subdivision (Preliminary) – Mr. Ed Wild, the applicant’s legal counsel, Mr. Bob Showalter, the applicant’s engineer, and Mr. Sam Braccia, the applicant, were in attendance to present the plan. This 13.569-acre site located partially in the RR Zoning District and partially the VC Zoning District is proposed to be subdivided into nine single-family lots (Use B1). The site, which has frontage on Hilltown Pike, is located approximately 1,000 ft. east of the intersection of Rt. 152 and Hilltown Pike, and is primarily meadow with a hedge-tree row around the perimeter of the site. Public water is proposed via extension of HTWSA facilities from the Mill Road/Rt. 152 intersection. On-lot sewage disposal systems are proposed.

The Planning Commission unanimously recommended conditional preliminary plan approval of this subdivision, conditioned upon the completion of the outstanding items as contained within the July 11, 2005 engineering review and with the recommendation that waivers requested by the applicant (contained within correspondence from Showalter and Associates dated June 27, 2005) be approved. In addition, the Planning Commission also included a condition that an appropriate seller disclosure/note on the plan be required advising future buyers of the potential for Village Center development on those lots zoned as such, to be resolved during the final plan stage of the process. Further, the Planning Commission recommended that resolution of the future operation and maintenance of the detention basins be resolved during the final plan stage. The applicant’s legal counsel had indicated that a Homeowner’s Association is acceptable if so desired by the Township to be determined during the final plan stage.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to recommend conditional preliminary plan approval to the Braccia Subdivision, pending completion of all outstanding items as noted in Mr. Wynn’s July 11, 2005 engineering review. There was no public comment.

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

1. Blooming Glen High School (Roof Replacement) – The Township has \$65,000.00 of CDBG funds available for replacement of the roof at the former municipal building (Blooming Glen High School) in Blooming Glen. Mr. Wynn is seeking authorization to advertise for bid specifications on the roof replacement.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize advertisement of bid specifications for roof replacement of the

Blooming Glen High School through the Community Development Block Grant funding. There was no public comment.

I. NEW BUSINESS:

1. The Board considered three Resolutions that are required by Berkheimer for the collection of the Per Capita Tax for 2005. One authorizes Berkheimer to prepare and collect the tax, one authorizes Berkheimer to impose and retain the costs of collecting delinquent taxes, and one appoints a liaison between Berkheimer and Hilltown Township. The memo explaining these Resolutions from Mrs. Lorraine Leslie, Township Treasurer, dated July 19, 2005 was discussed.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2005-27, authorizing Berkheimer to impose and retain the costs of collecting delinquent taxes; adopt Resolution #2005-28, to execute an agreement with Berkheimer authorizing them to prepare and collect the 2005 Per Capita Tax on behalf of Hilltown Township; and adopt Resolution #2005-29, to appoint the Township Treasurer as a liaison between Berkheimer and Hilltown Township.** There was no public comment.

2. A draft copy of the Bucks County Municipal Waste Management Plan Revision was received on July 20, 2005 for review by the Township. Comments regarding the plan must be forwarded to the Bucks County Planning Commission no later than August 31, 2005.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize Mr. Wynn to review the Bucks County Municipal Waste Management Plan Revision as noted above. There was no public comment.

3. Correspondence was received from the Heritage Conservancy requesting a Letter of Support to include with their grant applicant to DCNR to request funding from the Community Conservation Partnership Program for the preparation of a Conservation Plan for the Rt. 113 Corridor. The Heritage Conservancy established a "Lasting Landscape" initiative identifying geographical areas in southeastern PA that possess a combination of exceptional natural and historical resources, of which the Rt. 113 corridor was included. Discussion took place.

The Board directed Mrs. Seimes to contact the Heritage Conservancy to provide the Supervisors with a copy of the grant application and a copy of the sample letter for review.

J. MYLARS FOR SIGNATURE:

1. Groff Lot Line Adjustment
2. Rubel/Wright Lot Line Adjustment
3. Engler Tract Subdivision

K. PUBLIC COMMENT:

1. Mr. Ed Donovan of 1109 Fairhill Road wondered why the speed limit of Fairhill Road is designated at 45 m.p.h., which he feels is too high. Chief Engelhart advised that the speed limit is determined by the average speed traveled on that roadway. Mr. Wynn explained that there are State requirements for the posting of speed limits on roadways, which are the same whether or not they are a Township road or a State road. These requirements are based upon the 85th percentile speed when a speed study has been conducted. PennDot has adopted this standardization for all public roadways, local and State, which is what the Police Department must follow to post a speed limit. Lengthy discussion took place. Supervisor Manfredi suggested that Chief Engelhart begin identifying some of the Township roadways, including Fairhill, Telegraph, and Dublin Road, that should have speed studies conducted.

Mr. Donovan wondered why the Township is changing its Zoning laws, and asked if it is being driven by development. Chairperson Bennington noted that the Zoning Ordinance was last revised in 1995, and it is recommended that it be reviewed and adopted every ten years. Mr. Donovan asked if the general public will have input in the procedure. Chairperson Bennington replied that the public will absolutely have input during the Zoning Ordinance revision process.

2. Mrs. Kathy Newman of 402 Brookside Drive questioned the status of the Pleasant Meadows stormwater issue that has been discussed at several meetings in the past, and asked if Mr. Wynn and Mr. Buzby would have a definite report available by the August 8th meeting. Chairperson Bennington replied that Solicitor Grabowski noted earlier this evening that the title search was completed much quicker than originally thought. Solicitor Grabowski commented that the title search shows that there is a recorded stormwater easement for the Pleasant Meadows Subdivision, and he will provide that documentation to Mr. Wynn and Buzby for review so that a report can be provided to the Board, hopefully at their August 8, 2005 Worksession meeting.

L. SUPERVISOR'S COMMENTS:

1. Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to instruct Mr. Wynn and Mr. Buzby to prepare their recommendations and a report for the Board's review at the August 8, 2005 to determine

how the Township would proceed with the drainage issue in the Pleasant Meadows Subdivision. There was no public comment.

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

N. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the July 25, 2005 Hilltown Township Board of Supervisors Meeting was adjourned at 9:16PM.

Respectfully submitted,

Lynda Seimes
Township Secretary