

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, October 24, 2005  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Vice-Chairperson George C. Egly, Jr. at 7:33PM and opened with the Pledge of Allegiance.

Also present were:

- Richard J. Manfredi, Supervisor
- Barbara A. Salvatore, Supervisor
- Kenneth B. Bennington, Township Manager
- Christopher Engelhart, Chief of Police
- Francis X. Grabowski, Township Solicitor
- Tim Fulmer, Township Engineer's office
- Lynda S. Seimes, Township Secretary

Vice-Chairperson Egly welcomed newly appointed Supervisor, Barbara A. Salvatore to the Hilltown Township Board of Supervisors. He also announced that the Board met in Executive Session prior this meeting to update Supervisor Salvatore on Township issues, and also to discuss legal issues.

A. REORGANIZATION OF SUPERVISORS –

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvatore, to nominate Supervisor George C. Egly, Jr. as Chairman of the Hilltown Township Board of Supervisors. Supervisor Egly abstained from the vote. There was no public comment.

Motion was made by Supervisor Salvatore, and seconded by Chairman Egly, to appoint Supervisor Richard J. Manfredi as Vice-Chairman of the Hilltown Township Board of Supervisors. Supervisor Manfredi abstained from the vote. There was no public comment.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. APPROVAL OF MINUTES – Action on the minutes of the September 12, 2005 Worksession Meeting – Motion was made by Supervisor Manfredi, and seconded by Chairman Egly to approve the minutes of the September 12, 2005 Worksession meeting, as written. Supervisor Salvatore abstained from the vote since she was not a member of the Board of Supervisors at that time. There was no public comment.

Action on the minutes of the October 17, 2005 Special Meeting – Motion was made by Supervisor Manfredi, seconded by Chairman Egly, and carried unanimously to approve the minutes of the October 17, 2005 Special Meeting of the Board of Supervisors, as

written. Supervisor Salvadore abstained from the vote since she was not a member of the Board of Supervisors at that time. There was no public comment.

D. APPROVAL OF CURRENT BILLING – Chairperson Egly presented the Bills List dated October 25, 2005, with General Fund payments in the amount of \$186,937.67, Park and Recreation Fund payments in the amount of \$1,435.89, State Highway Aid Fund payments in the amount of \$4,304.46, and Escrow Fund payments in the amount of \$3,179.23; for a grand total of all payments in the amount of \$195,857.25.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to approve the Bills List dated October 25, 2005. There was no public comment.

E. CONFIRMED APPOINTMENTS: None.

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

1. Solicitor Grabowski presented the Gagliardi (Calhoun/McGinty) – Peat Filter Option 1 Sewage System Agreement (TMP #15-28-13-33) for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to approve the Gagliardi (Calhoun/McGinty) Peat Filter Option 1 Sewage System Agreement (TMP #15-28-13-33), as noted above. There was no public comment.

2. Solicitor Grabowski presented the Patel I Subdivision Cash Escrow Agreement, and Road Frontage Easement Agreement.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to accept the Patel I Subdivision Cash Escrow Agreement, and also to **adopt Resolution #2005-36, to accept the Patel I Subdivision Road Frontage Easement Agreement, as noted above.** There was no public comment.

3. Solicitor Grabowski presented the Oskanian Tract Subdivision Sewage Maintenance Agreement for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to approve and accept the Oskanian Tract Subdivision Sewage Maintenance Agreement. There was no public comment.

4. Solicitor Grabowski presented the Baker Tract Subdivision Financial Security and Subdivision Agreements, Road Frontage Easement Resolution, and Street Light Assessment Resolution for the Board's consideration.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to approve the Baker Tract Subdivision Financial Security and Subdivision/Land Development Agreements; and to **adopt Resolution #2005-37 to accept the Baker Tract Subdivision Road Frontage Easement Agreement, as noted above;** and to **adopt Resolution #2005-38 to accept the Baker Tract Subdivision Street Light Assessment Petition, as noted above.** There was no public comment.

G. PLANNING – Mr. Tim Fulmer, Township Engineer's office –

1. Hawk Valley Estates (aka: Jakubowitch) – (Preliminary) – Mr. Brad Arndt, the applicant's engineer, was in attendance to present the plan. The proposed 11 lot subdivision located on Park/Church Roads was recommended for conditional preliminary plan approval by a 4:1 vote of the Planning Commission (Mr. Beatrice was opposed) subject to completion of items as contained within the August 8, 2005 engineering review, except as modified as follows:

- Item 3.A of the engineering review regarding waiver of Section 140-27.B(11) relative to lot depth width ratio was unanimously recommended for approval.
- Item 3.B of the engineering review regarding waiver of Section 140-27.B(4) relative to orientation of side lot line was approved by a vote of 3:2 (Mr. Kulesza and Mr. Beatrice were opposed).
- Item 3.C of the engineering review regarding waivers of Sections 140-28.P, 140-29.D(1), 140-35, and 140-36, relative to cartway reconstruction/overlay, cartway widening, drainage improvements, curb, and sidewalk was unanimously approved in consideration of the work proposed on Park Road, and subject to receipt of a fee in-lieu-of installation of required improvements to be deposited into the Sidewalk/Pedestrian Path Capital Improvements Fund.
- Regarding Item #4 of the engineering review, the proposed cul-de-sac street is satisfactory in consideration of the potential for extension into adjoining undeveloped property. Additionally, the final plan must include the 50 ft. wide right-of-way to provide for future extension to the Schafsteller property location south of the site.

- The side yard setback of Lots #5 and #6 must be revised to 50 ft. in consideration of the potential for a future public roadway extension pursuant to the sketch plan.
- A Homeowner's Association must be established to maintain the basin on Lot #1 in a manner acceptable to the Township and the Township Solicitor.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvatore, to grant conditional preliminary plan approval to the Hawk Valley Estates Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's August 8, 2005 engineering review, and to include the additional comments as noted above, which are referenced in the October 19, 2005 letter to the Supervisors from Mr. Wynn.

Public Comment:

1. Mr. Hans Sumpf of Beverly Road suggested that the "temporary cul-de-sac" be clearly identified on the plan so that future property owners are well aware of the fact that the cul-de-sac will be extended when the neighboring property is developed in the future. Mr. Fulmer advised that the temporary cul-de-sac/turnaround is clearly marked on the plan, along with an accompanying note on the plan, advising that the cul-de-sac/turnaround may be extended in the future.

Motion passed unanimously. There was no further public comment.

2. Robinson Land Development Waiver Request – The applicant asked to be removed from the agenda.

3. Braccia Subdivision (Final) – Mr. Bill Benner, the applicant's legal counsel, was in attendance to present the plan. Solicitor Grabowski's correspondence to Mr. Wynn dated October 20, 2005 with respect to Items #1 and #7 in the September 22, 2005 review, which suggests minor revisions to the Disclosure Statement and whether or not a clarifying easement is required, was also discussed.

This 9 lot subdivision located on Hilltown Pike was unanimously recommended for conditional final plan approval by the Planning Commission, subject to completion of all outstanding items as outlined in the September 22, 2005 engineering review.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvatore, and carried unanimously to grant conditional final plan approval to the Braccia Subdivision, pending completion of all outstanding items as noted in the September 22, 2005 engineering review. There was no public comment.

4. Nyce Subdivision – This minor subdivision located on Keystone Drive was unanimously recommended for denial by the Planning Commission unless an extension is received by November 11, 2005, based upon non-compliance with the December 28, 2004 engineering review.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to deny the Nyce Subdivision unless an extension is received from the applicant by November 11, 2005, as noted above. There was no public comment.

H. ENGINEERING – Mr. Tim Fulmer, Township Engineer’s Office –

1. Car Sense Land Development –The maintenance period to guarantee improvements required pursuant to the Car Sense Land Development Plan expires on October 25, 2005. There are a number of landscape plantings requiring replacement that have not been completed to date.

Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi to authorize Mr. Wynn to notify the applicant for the Car Sense Land Development that the maintenance period for this project has not been satisfactorily completed due to outstanding items still remaining on the engineering punchlist dated October 18, 2005.

Public Comment:

1. Ms. Sandy Williamson of Mill Road urged the Board to insure that Car Sense complies with the current illumination requirements in the Township’s Lighting Ordinance. She advised that their parking lot lights are very, very bright.

Motion carried unanimously. There was no further public comment.

2. Wawa Land Development – Improvements required pursuant to the land development plan and development agreement at the Wawa site located on Rt. 113 and Bethlehem Pike have been completed.

Motion was made by Supervisor Salvadore, and seconded by Chairman Egly, to accept completion of improvements for the Wawa Land Development and to authorize commencement of the 18-month maintenance period. Supervisor Manfredi abstained from the vote. There was no public comment.

**\*8:00PM – Chairman Egly adjourned the regularly scheduled meeting of October 24, 2005 to enter into an advertised Public Hearing to consider the adoption of an Ordinance authorizing Hilltown Township to enter into an Intergovernmental**

**Agreement with other Bucks County municipalities for legal services for negotiation of an agreement with Verizon for cable television services.**

Solicitor Grabowski explained that Verizon Wireless plans to begin to offering cable television service in Bucks County in the near future. At the present time, Hilltown Township is serviced by only Comcast for cable television service. In the past, Hilltown Township negotiated its own franchise agreement by which Comcast and its predecessor, Suburban Cable, had the ability to utilize the municipality's rights-of-way to install overhead or underground lines within any Township roadway or easement. Recently, from an economic standpoint, a group of Lower Bucks County municipalities have joined together to negotiate franchise agreements with Verizon. Newtown Township prepared the Ordinance, and along with 10-15 other municipalities, hired a legal expert to negotiate contracts with Verizon. Solicitor Grabowski explained that it would be a benefit to the Township to join this group in order to share in the cost of the legal expert to negotiate the agreements. Hilltown's portion of the cost would be \$300.00.

Solicitor Grabowski advised that the proposed Ordinance was advertised in the Doylestown Intelligencer on October 10, 2005. The Ordinance would authorize the corporate officers of Hilltown Township to enter into an Intergovernmental Agreement with other Bucks County municipalities to obtain services for the negotiation of an agreement with Verizon. Solicitor Grabowski noted that the Supervisors can either (1) Not take action this evening; (2) Adopt the Ordinance as is (which includes the execution of the proposed Agreement); or (3) Delete the last sentence of the last paragraph, which states "A true and correct copy of the Intergovernmental Agreement, which is adopted hereby, is attached hereto as Exhibit "A" and incorporated by reference." If the third option is chosen, Solicitor Grabowski commented that the Board could simply authorize the Township to enter into an Agreement at a future point deemed appropriate and timely.

Supervisor Manfredi asked if a separate motion in the future would be needed, as a subsequent action in order to enter into an Agreement. Solicitor Grabowski replied that any Agreement would have to be discussed and reviewed by the Board of Supervisors at a public meeting.

Public Comment:

1. If this Ordinance and/or Agreement were to be adopted, Mr. Jack McIlhinney of Broad Street asked if the amount of wires that are currently overhead on telephone poles would now double. With competition to provide cable television service to the Township, he fears that additional overhead lines will be inevitable. Mr. McIlhinney wondered if the Township could require Verizon to place their cable wires underground, rather than overhead. Discussion took place.

Solicitor Grabowski commented the advantage of joining this group would be to provide for the ability to negotiate an Agreement, while sharing in the cost of legal counsel. He noted that the Agreement would have to be approved by each individual municipality for acceptance by Ordinance. Hilltown Township could, if it so desired, back away at that point and decide not to accept that Agreement. One thing that is also an option is that Hilltown Township could decide not enter into an Agreement, and to negotiate on its own with Verizon, to get the best deal possible for Hilltown Township

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to amend the proposed Ordinance by striking the last sentence, which states "A true and correct copy of the Intergovernmental Agreement, which is adopted hereby, is attached hereto as Exhibit "A" and incorporated by reference."

2. Mr. Bill Halbeck of 526 Middle Road agreed with Mr. McIlhinney's comments regarding the glut of overhead wires, and urged the Board to consider requiring cable television providers to place additional wires underground.

Motion passed unanimously. There was no further public comment.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2005-5 as noted above, authorizing the appropriate officers of Hilltown Township to enter into an Intergovernmental Agreement with other Bucks County municipalities for legal services for the negotiation of an Agreement with Verizon for cable television franchising services for Hilltown Township, as amended.** There was no public comment.

Mr. Bennington is aware that Verizon intends to run new fiber optic lines that will include Internet service, telephone service, and cable television service through three separate lines, however whether they are proposing to install those lines underground or on poles, he does not know.

H. ENGINEERING – (Continued) –

3. Deep Run Valley Sports Association – Fairhill Road Site – This plan received a waiver of land development submission by the Board of Supervisors on March 14, 2005 for proposed development of the Private Recreational Facility (Use C-7) on Township property located at the intersection of Fairhill Road and Rt. 152. Mr. Wynn's most recent engineering review dated October 10, 2005 states, in part, the following:

- Proposed landscaping does not conform to requirements of the Land Development Ordinance as noted by the Landscape Compliance Chart included on sheet 5 of 11 of the approved plan. The land development waiver approval did not specifically

address relief from landscaping requirements and no waiver of land development requirements regarding landscaping was submitted by Deep Run at the time of the submission.

Via correspondence dated August 24, 2005, Deep Run Valley Sports Association requested waivers relative to installation of street trees, parking lot landscaping, and detention basin perimeter planting. Specifically, the 40 required street trees along Fairhill Road and Rt. 152 are not proposed to be installed. Of the 31 trees required in the parking area, 7 are proposed. As noted in the correspondence, the Land Development Ordinance/Stormwater Management Ordinance would require 43 evergreen trees, 28 deciduous trees, and 71 shrubs along the detention basin perimeter, while the plan proposes 34 evergreen trees, 24 deciduous trees, and 53 shrubs.

- Concrete wheel stops were proposed within the parking area on the Land Development Waiver Request reviewed by the Supervisors in March of 2005. During subsequent plan revision, the concrete wheel stops were removed from the plan due to stated concerns by the applicant's engineer, Bohler Engineering, Inc., of potential trip hazards. Pursuant to Section 140-45.G.5 of the Land Development Ordinance, "when curb is not installed along the perimeter of the parking areas and paving is not required, parking stall location must be delineated with concrete tire stops, bollards, or by other means acceptable to the Township."
- Plan has been revised to propose installation of four ft. high split rail fence along the perimeter of the parking areas in-lieu-of other methods permitted by Ordinance. Mr. Wynn recommended approval of the use of split rail fencing, however he recommended that the split rail fencing be only a two rail fence, that it be installed with concrete posts, and include "breaks" to facilitate pedestrian traffic from the parking areas to Field 1 and future pavilion/meeting room area. Additionally, Mr. Wynn's review notes that the split rail fence identified on the western parking area in the vicinity of the turnaround is not necessary. Split rail fence should be specified to be set back three feet from the edge of the parking area.

Supervisor Manfredi suggested that the Board of Supervisors meet with the Deep Run Valley Sports Association Board of Directors to discuss this project further. He also feels that the Supervisors should discuss the recent Richland Township decision regarding use of municipally-owned open space with the Township Solicitor. He is not certain that the neighboring property owners would be happy with less buffering, less street trees, and less landscaping for this site. Supervisor Manfredi noted that the Township, as the property owner, should bear the responsibility for some of these improvements to insure that the municipality complies with its own Ordinance requirements. Supervisor

Manfredi is not inclined to waive the requirement for street trees and buffering, but he also does not feel that the burden of these improvements should be the sole responsibility of Deep Run. As the property owner, Supervisor Manfredi believes the Supervisors must discuss what financial contributions and commitments the Township should make to the project, as the property owner.

Mr. Hans Sumpf, president of the Deep Run Valley Sports Association, was in attendance to discuss the applicant's waiver requests. He advised that Deep Run did not plan on making any changes to the existing tree row along Fairhill Road, and noted that the frontage along Rt. 152 has never had any real trees. There is a berm along Rt. 152, which Mr. Sumpf believes the Township installed and which Deep Run had planned on moving closer toward the road. Mr. Sumpf does feel, however, that additional buffering should be provided along the neighboring Browning property. It is his preference that buffer trees not be required around the athletic field, since their eventual height will shade the play area and prevent proper drying of the fields. Discussion took place.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to table discussion of the Deep Run Valley Sports Association Fairhill Road Site waiver request, pending a meeting between the Board of Supervisors and the Deep Run Board of Directors, to be held prior to the December 12, 2005 Worksession meeting.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 understands that Deep Run leases this Township-owned property and asked the term of the lease. Mr. Sumpf replied that Deep Run has leased the property for 30 years. Mrs. Bolger asked if it is Supervisor Manfredi's suggestion to spend Township funds to improve the property for Deep Run's exclusive use. Chairman Egly believes it is more a matter of bringing the property into compliance with the Township's own Zoning Ordinance with respect to buffer plantings. Mrs. Bolger was opposed to Township funds being spent to improve a property that will be for the sole use of Deep Run for a 30 year time period. Mr. Sumpf commented that when Deep Run has no games or practices scheduled, even on their own property on Callowhill Road, the property is available for use by the general public. He would not be agreeable to other organized sports teams using the Deep Run fields without their express permission, however the property is available for use by Township residents if Deep Run does not have scheduled practices or games. Discussion took place.

Mrs. Bolger was concerned about the liability issues involved with Township-owned property being leased by a private organization. Supervisor Manfredi reminded Mrs. Bolger that his suggestion also included discussion with the Township Solicitor regarding the recent Richland Township decision concerning use of Township open space. Mrs. Bolger realizes that the lease with Deep Run was previously negotiated, however she

objected to the Township spending taxpayer's money to improve property that will be used exclusively by a private organization. She would be interested in knowing the terms of the lease. As a Township resident, Mr. Sumpf wants his tax dollars to go toward improving Township-owned property, and he would hope that other Hilltown residents would utilize the field at Rt. 152 and Fairhill Road.

Motion passed unanimously. There was no further public comment.

I. NEW BUSINESS:

1. Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the purchase of a vehicle through the State Contract for use by the Township Manager in accordance with his employment agreement. There was no public comment.

Mr. Bennington commented that the vehicle in question is a 2006 Ford Escape, which is a hybrid SUV that operates on both gasoline and electric.

2. Advertised bids for the sale of used police and public works vehicles were received and opened on Wednesday, October 19, 2005 at 2:00PM for the following:

Bid #2005-4 – 1985 Chev. Blazer (former DARE vehicle)

- \$350.00 – Bob's Auto Body and Sales, Souderton, PA
- \$251.00 – Bala Auto Sales, Narberth, PA

Bid #2005-5 – 1979 Chev. Silverado (former Ambulance)

- \$201.00 – Bala Auto Sales, Narberth, PA
- \$200.00 – Bob's auto Body and Sales, Souderton, PA

Bid #2005-6 – 1999 Ford Crown Victoria (former police vehicle)

- \$2,020.00 – Jersey One Auto Sales, Inc., Jersey City, NJ
- \$1,779.00 – Bay Ridge Motors, Inc, Staten Island, NY
- \$1,566.00 – Grace Quality Used Cars, Inc., Morrisville, PA
- \$1,262.00 – Dansco Sales, Freedom, PA
- \$ 977.00 – Bala Auto Sales, Narberth, PA
- \$ 500.00 – Bob's Auto Body, Souderton, PA

Bid #2005-7 – 1999 Ford Crown Victoria (former police vehicle #2)

- \$1,980.00 – Jersey One Auto Sales, Inc., Jersey City, NJ
- \$1,566.00 – Grace Quality Used Cars, Morrisville, PA
- \$1,379.00 – Bay Ridge Motors, Inc., Staten Island, NY
- \$1,262.00 – Dansco Sales, Freedom, PA
- \$ 977.00 – Bala Auto Sales, Narberth, PA
- \$ 500.00 – Bob’s Auto Body and Sales, Souderton, PA

Bid #2005-8 – 1984 GMC Sierra 2500

- \$ 277.00 – Bala Auto Sales, Narberth, PA
- \$ 50.00 – Bob’s Auto Body and Sales, Souderton, PA

Bid #2005-9 – 1977 Dodge W-20

- \$ 107.00 – Bala Auto Sales, Narberth, PA
- \$ 25.00 – Bob’s Auto Body and Sales, Souderton, PA

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to award Bid #2005- 4 (1985 Chev. Blazer), Bid #2005-5 (1979 Chev. Silverado), Bid #2005-6 (1999 Ford Crown Victoria), Bid #2005-7 (1999 Ford Crown Victoria), Bid #2005-8 (1984 GMC Sierra 2500), and Bid #2005-9 (1977 Dodge W-20) to the highest bidders in each category, as noted above. There was no public comment.

3. The first 2006 Budget Worksession Meeting will be held on Wednesday, October 26, 2005 at 3:00PM.

4. Mr. Bennington advised that the Corp. Robert Minninger Memorial Tree Planting is scheduled for Saturday, November 12, 2005 at 11:00AM at the Hilltown Civic Field.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Alice Kachline announced that the Hilltown Civic Association is sponsoring Candidate’s Night here at the Municipal Building on Tuesday, October 25, 2005 at 7:00PM.

2. Mr. Harry Mason of Morgan Lane commented that the original purpose behind the individual lights on the table at each Supervisor’s seat, generously donated by Mr. Wally Rosenthal, was for use during projector presentations. He would like to see those lights used for that occasion, and not completely discarded. Chairman Egly

agreed, however he has received many complaints from audience members who cannot see the Supervisor's faces during the meeting due to the lights. Supervisor Salvadore advised that Mr. Mason's point was well taken.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore referred to the Registered Sex Offender Ordinance that many neighboring municipalities have adopted. She discovered that in Bucks County, five Townships have passed such an Ordinance, while three others are considering its adoption. There are 31 registered sex offenders living in the zip codes that serve Hilltown Township. Supervisor Salvadore realizes that there are many pros and cons involved with the Ordinance, however she believes the Board should discuss the matter further. Supervisor Manfredi suggested that the Board review copies of Ordinances that have been adopted in other Bucks County municipalities – including Doylestown, Falls, Tullytown, and Lower Makefield Townships. Bensalem, Bristol, Middletown, and Upper Southampton are considering the adoption, as well. Solicitor Grabowski explained that the recently adopted Doylestown Township Ordinance prohibits a registered sex offender from residing or being within 2,500 feet of certain areas, including schools, playgrounds, daycare centers, churches, etc. Discussion took place.

2. Mr. Bennington announced that the Halloween Festival scheduled for October 22, 2005 at the Pearl S. Buck International property was cancelled due to inclement weather.

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

N. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the October 24, 2005 Hilltown Township Board of Supervisors meeting was adjourned at 8:45PM.

Respectfully submitted,

Lynda Seimes  
Township Secretary