HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, August 8, 2005
7:30PM

The regularly scheduled Worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:35PM, 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
Thomas A. Buzby – Director of Public Works
David W. Taylor – Code Enforcement Officer
Lorraine E. Leslie – Township Treasurer

Chairperson Bennington announced that he and Supervisor Egly (minus Supervisor Manfredi) met in Executive Session after the July 25, 2005 meeting to discuss the legal issue of H & K Quarry; and the entire Board of Supervisors met in Executive Session on July 27, 2005 to discuss personnel and real estate. Chairperson Bennington and Supervisor Egly also met in Executive Session earlier today to discuss the legal issue of H & K Quarry, and the entire Board of Supervisors met in Executive Session prior to this meeting in order to discuss real estate and personnel.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF BILLS LIST – Chairperson Bennington presented the Bills List dated August 9, 2005, with General Fund payments in the amount of $29,681.82, Fire Fund payments in the amount of $16.38, Park and Recreation Fund payments in the amount of $1,364.39, Road Equipment Fund payments in the amount of $8.99, Debt Service Fund payments in the amount of $32.76, State Highway Aid Fund payment sin the amount of $4,578.76, and Escrow Fund payments in the amount of $2,267.06; for a grand total of all payments in the amount of $37,950.16.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated August 9, 2005, as written. There was no public comment.

C. TREASURER'S REPORT – Chairperson Bennington presented the Treasurer's Report with the following balances as of July 31, 2005:

General Fund Checking	$ 671,944.44
Payroll Checking	$ 1,374.99
General Reserve Fund	$ 34,112.84
Open Space Fund	$ 1,143,713.53

Park and Recreation Fund	$ 123,938.01
Road Equipment Fund	$ 147,555.29
Fire Fund Checking	$ 77,107.03
Debt Service Checking	$ 295,915.31
State Highway Aid Checking	$ 232,268.58
Escrow Fund Checking	$1,681,400.68
Capital Projects Fund	$ 43,651.01

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Treasurer's Report as of July 31, 2005, subject to audit. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the month of July 2005; a copy of which is on file at the Township office.

Mr. Buzby advised that Phase II of the Mill Road stormsewer project is complete. Phase III will proceed once a permit has been obtained. Chairperson Bennington asked where Phase II of the project ended. Mr. Buzby replied that it ended at the property lines of the Trampe and Teed parcels. Phase III of the project runs to the Ott property on the opposite side of Mill Road from the Trampe/Teed properties. However before Mr. Buzby can proceed with work on Phase III, funding must be found.

Mr. Buzby also presented two memos dated August 3, 2005 from the Township Engineer - one with respect to the Deep Run drainage problem, and one regarding the Pleasant Meadows stormwater issue. Mr. Wynn indicated that he would be unable to attend the Deep Run Sports Association meeting next week due to a conflict with required testimony at a Zoning Hearing Board meeting. Mr. Buzby met with Mr. Ed Eichy and Ms. Dawn Knisley of PennDot at Deep Run last Wednesday. PennDot has proposed to re-grade the ditches on the Deep Run side of Hilltown Pike and to open the blocked along the frontage of the Brickajlik property. They believe drainage will be improved by excavating a swale from the end of the pipe to an existing drainage ditch on the adjoining property located adjacent to the Brickajlik parcel. While PennDot did not provide an exact timeframe, Mr. Wynn hopes the work will be accomplished prior to the September meeting of the Deep Run Sports Association, which Mr. Buzby and Mr. Wynn plan to attend. PennDot also intends to re-grade the ditch onto Callowhill Road which was not deep enough to take the stormwater flow. Mr. Buzby explained that there is a cross pipe near the Brickajlik property and that there is a terracotta pipe that ran back to a drainage ditch, which he believes has collapsed, and no longer carries water. Mr. Buzby believes

these measures will certainly help, but he is not certain it will resolve the entire issue. Discussion took place.

With respect to the memo regarding the Pleasant Meadows drainage complaint, Mr. Wynn intends to schedule a meeting with the affected property owners in the near future. Since there is cost involved with accomplishing this work, Supervisor Manfredi stated that the Board needs to determine whether the Township will be responsible for bearing the entire cost or if the cost could be collectible. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize Mr. Wynn and Supervisor Egly to meet with the affected property owners in the area of the Pleasant Meadows drainage complaint to present the Township Engineer's proposal for resolving the matter, and to also authorize the Township Solicitor to review and determine if the Township has any legal means to recoup any costs associated with these actions, in time for consideration at the August 22, 2005. There was no public comment.

Mr. Buzby noted that Mr. Wynn also met with a representative from DCNR regarding the Township's pedestrian bike path that was constructed in 2002 using grant funds. There are some outstanding items that must still be accomplished for the Township to receive the remainder of the grant monies. Mr. Buzby is seeking authorization to meet with Mr. Wynn to review these outstanding items.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize Mr. Buzby to purchase the necessary materials to complete the DCNR pedestrian bike path project and for Mr. Wynn to meet with Mr. Buzby to further review this project. There was no public comment.

Supervisor Manfredi asked who is responsible for the administration of the DCNR grant. Supervisor Egly replied that the former Township Manager was administering the grant, however since his departure, Mr. Wynn became involved.

F. <u>POLICE REPORT – Chief Christopher Engelhart</u> – Chief Engelhart read the Police Report for the month of July 2005; a copy of which is on file at the Township office.

On August 2, 2005, a speed detail was conducted on Church Road, south of Keystone Drive. A total of 15 citations were issued within a 4-hour period, with the highest speed recorded at 69 m.p.h. Discussion took place.

G. <u>BUILDING REPORT – Mr. David W. Taylor, Code Enforcement Officer</u> – Mr. Taylor wished to discuss several Zoning Enforcement Actions. At last month's

Worksession meeting, the Board had expressed some concerns with procedure. To that end, Mr. Taylor has reviewed both the Zoning Ordinance and the Municipalities Planning Code, and noted that both state that while the Zoning Officer shall issue enforcement notices, enforcement actions shall be instituted by the Township. There are provisions in the MPC allowing the Township to authorize the Code Enforcement Officer to initiate enforcement action in court. However Mr. Taylor has never been given permission to do that. As indicated at last month's meeting, Supervisor Manfredi commented that if Mr. Taylor is asking the Board to take an enforcement action, he would like to review a detailed packet of information on the case. Mr. Taylor supplied the Board with the two enforcement actions he is seeking direction on this evening, including photographs and other evidence. He is seeking authorization for the Township Solicitor to begin legal proceedings against the Bennett property for a junkyard use and against the Custer property for farm animal violations.

Mr. Taylor has advised Mrs. Bennett that as the property owner, it is her responsibility to come into compliance by removing the junk farm machinery. He also contacted the farmer, who told Mr. Taylor that he is "waiting for the land to dry out." It has been Mr. Taylor's experience that when the Township authorizes the filing of enforcement action, the matter is usually resolved, never making it to court. At this time, Chairperson Bennington feels that an enforcement action should be filed. If he sees a properly executed zoning enforcement action that has been reviewed by the Township Solicitor for compliance, Supervisor Manfredi would be agreeable to moving forward. Mr. Taylor noted that the Township Solicitor has not reviewed this matter, and explained that the standard procedure has been to issue a zoning enforcement action, and then seek Board authorization to forward the issue to the Township Solicitor for prosecution.

Motion was made by Supervisor Manfredi that all outstanding zoning enforcement matters identified by the Zoning Officer be reviewed with the Township Solicitor for a formal recommendation by both the Zoning Officer and the Township Solicitor at the next regular business meeting, with all pertinent information relative to each case provided to the Board for review in order to render a decision. There was no second to the motion. Discussion took place.

Supervisor Manfredi restated his motion authorizing the Zoning Officer to meet with the Township Solicitor to review all outstanding zoning enforcement actions that have been initiated, and for the Zoning Officer and Township Solicitor to make a recommendation along with all pertinent facts related to each case for the Supervisor's consideration at their next regular business meeting. There was no second to the motion. Discussion took place. Supervisor Egly asked if Supervisor Manfredi's motion was merely asking for a recommendation, but not authorizing the prosecution of the enforcement notices. Supervisor Manfredi commented that he would not vote to prosecute anything without having the opportunity to review the entire case, and without a legal opinion. Mr. Taylor

presented photographs of the animals on the Custer property, and noted that when he visited the site on July 22, 2005, there were seven turkeys in the basement of the dwelling. Mr. Taylor presented photographs of the abandoned farm equipment on the Bennett property as well. Discussion took place.

Chairperson Bennington understands Supervisor Manfredi's concerns, however he believes the Custer and Bennett properties require that prosecution actions be taken immediately. He agreed that the other two zoning enforcement actions could go through the process with review by the Township Solicitor and the Zoning Officer. Supervisor Manfredi was agreeable to approving the enforcement actions against the Bennett property and against the Custer property, as long as the Township Solicitor reviews the documents. Supervisor Manfredi explained that his difficulty with prosecution is when the Township does it incrementally, where there is an opportunity for one property owner to be treated different than another, and when all the pertinent information has not been provided to the Board for due consideration.

In the future, Mr. Taylor asked if he should take these matters to the Township Solicitor first before bringing it to the attention of the Board of Supervisors. Chairperson Bennington commented that from this point forward, Mr. Taylor should follow the procedure as it is in place. Supervisor Manfredi noted that Mr. Taylor should also provide the Board with all information, including a timeline of when the violation was first identified and the enforcement steps that have been taken from that point on, a history of that documentation, and his recommended course of action. Personally, Supervisor Manfredi stated that he would not take an action against a property owner without the opinion of the Zoning Officer and Township Solicitor.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Zoning Officer to forward all zoning enforcement actions that have been initiated to this point, with the exception of Bennett and Custer, along with the complete detail and history of each case to the Township Solicitor for review and recommendation, which should be provided to the Board of Supervisors for action at their next regular business meeting; and to give conditional approval to take immediate action against the Bennett and Custer properties, pending Township Solicitor review and approval of the action. There was no public comment.

Supervisor Manfredi requested that the Township Fire Marshal attend the Worksession meetings until certain outstanding matters, such as the Longleaf Estates sprinkler issue have been resolved.

H. HILLTOWN AUTHORITY REPORT – No one was present.

I. ZONING HEARING BOARD REPORT – No one was present. A copy of the Zoning Hearing Board Report for the month of July 2005 is on file at the Township office.

J. HILLTOWN FIRE COMPANY REPORT – Mr. Robert Grunmeier, Fire Chief – Mr. Grunmeier presented the Hilltown Fire Company Report for the month of July 2005; a copy of which is on file at the Township office.

Mr. Grunmeier presented the Board with information regarding the National Incident Management System, also known as NIMS. Mr. Grunmeier noted that NIMS is a direct result of Presidential Directive 5. This means that by the end of October, the Township must be NIMS compliant in regard to the IS 700 Program. The Fire Company has already begun moving in that direction. Mr. Grunmeier has contacted the Fire Marshal, who will be advising Chief Engelhart of the directive. This requires that anyone involved with the emergency planning or action process in the Township's Emergency Management Plan, including the Board of Supervisors, must have the proper training and must come into compliance with the NIMS IS 700 Program. Mr. Grunmeier has the credentials through FEMA to teach these classes. He realizes that involving the police officers and the Public Works Department in this training will be difficult to arrange, however he is confident that it can be done by holding numerous classes. Supervisor Manfredi asked if the Township is in the position to move forward with the necessary training. Mr. Grunmeier replied that all of the resources are available to move forward. He noted that there is another option that these classes can be taken on-line, by accessing FEMA.gov, then accessing "NIMS" to take the IS 700 test on-line. Since this is a Federally mandated program, Mr. Grunmeier's main concern is with obtaining future grants, which would not be approved if the Township is not NIMS compliant. Discussion took place.

Further, Mr. Grunmeier advised that it is the Hilltown Fire Company's goal that every individual who drives the fire company apparatus will be certified to professional certification through NFPA-1002 in the near future.

K. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie, Fire Chief – Mr. Gillespie read the Silverdale Fire Company Report for the month of July 2005; a copy of which is on file at the Township office.

L. PLANNING COMMISSION REPORT – Mr. D. Brooke Rush, Chairperson – Mr. Rush presented the minutes of the Planning Commission Worksession meeting of August 1, 2005; a copy of which is on file at the Township office.

The Planning Commission reviewed the proposed Quarry Ordinance Amendment between the Township and H & K at their Worksession meeting. Mr. Rush advised that

the Planning Commission expressed concern with the proposed Ordinance amendment noting significant problems, all of which would be discussed at their next meeting on August 15, 2005.

The Planning Commission reviewed the Diamond Street/Fairhill Road intersection with respect to the proposed Gitlin/Johnson Subdivision, and some Commission members noted that warning signs could be erected indicating "dangerous intersection ahead." Chairperson Bennington was uncomfortable with that idea, noting that such an action would foster the Township's liability at that intersection. Chief Engelhart agreed. Supervisor Manfredi commented that this issue was dealt with during the Comprehensive Plan review, and at that time, the Board of Supervisors subsequently agreed that this action would not be taken.

At their Worksession meeting, the Planning Commission discussed the buffer and the possible change to the Rural Residential or Conservation District sections of the draft Zoning Ordinance amendment. At their next Worksession meeting of August 29, 2005, the Planning Commission intends to review the revised draft of the Conservation District Ordinance, discuss definitions, finalize their review of the Buffer Ordinance, and review the Farmstead, Trade-Use, and Barn Ordinances.

Chairperson Bennington asked when Mr. Rush anticipates the Planning Commission might hold their first Public Hearing on the proposed Zoning Ordinance amendment. Mr. Rush commented that the Planning Commission is attempting to review the most difficult sections of the amendment first, and he anticipates that the entire process could take several months. Supervisor Manfredi advised that the Board of Supervisors began the Zoning Ordinance amendment process with the Land Use Summits, where various Board and Commission members were invited to participate. The result of the two Land Use Summits was the impetus for this process. He noted that the proposed amendments to the Zoning Ordinance was provided to the Planning Commission approximately six months ago, for the first draft, and a review of the re-draft of the amendments took place in June. It was Supervisor Manfredi's understanding that additional time was given to the Planning Commission so that they could review the proposed amendments to the Zoning Ordinance. Since it has been six months since their initial review, Supervisor Manfredi believes that the Planning Commission should be providing their recommendations to the Board of Supervisors very shortly so that the Public Hearing process can begin. He also believes that the Township needs to be proactive rather than reactive when dealing with continued growth. Supervisor Manfredi had hoped that the amendments to the Zoning Ordinance would have been in place by now. It is his opinion that the Planning Commission should be in a position to provide the Board with their recommendations regarding the amendments by the end of September.

Chairperson Bennington asked Mr. Rush how many more meetings he anticipates are required for the Planning Commission to complete their review. Mr. Rush advised that it took the Planning Commission 2 ½ meetings to review the Buffer Ordinance alone. Supervisor Manfredi asked if the Planning Commission received any information from the Bucks County Planning Commission in February of this year. Mr. Rush replied that they did not receive the draft amendment from Mrs. Bush until June. Soon after that, Mrs. Bush stated that she saw quite a few things that she would like to further revise, however Mr. Rush told her that the Planning Commission was well into their review and requested that additional revisions not be considered at this time. Mr. Rush commented that there are more than a few amendments to review, and noted that the entire Zoning Ordinance appears to have been revised. Once specific sections of the amendment have been reviewed, the Planning Commission must still review the use definitions, as well as some of the technical issues. Supervisor Manfredi was concerned that the Planning Commission has not yet begun review of lot sizes and the RR/Conservation District amendments. He stated that it was never the Supervisor's intent to re-write the Zoning Ordinance, it was simply to make amendments to the existing Zoning Ordinance in order to strengthen it for better, managed growth. Supervisor Manfredi stated that this is not a new Zoning Ordinance, nor was it ever intended to be, rather it was intended to be amendments to the existing Ordinance. Chairperson Bennington commented that the alternatives to the Rural Residential/Conservation District make major changes to the requirements that are in place at present. Supervisor Manfredi stated that the RR District is the Township's Conservation District at present, and advised that there was a change proposed to call it a Conservation District to make it what it is. Chairperson Bennington agreed. Supervisor Manfredi noted that the next threshold was to determine if it made sense to change to 1.8 acre lot size regulations, which was recommended by the Township Solicitor as what the courts would allow. Then the Township was to consider making public water "neutral" so that there would not be a density bonus provided for having access to public water. Supervisor Manfredi does not believe these three threshold issues that should take six months to debate. If the Buffer Ordinance took 2 ½ meetings for the Planning Commission to review, Chairperson Bennington believes that logically, the review of the RR Conservation District, with all of its complexities, would take even more time to review. Supervisor Manfredi does not feel it should have taken the Planning Commission as long as it did to review the Buffer section of the amendments.

Mr. Rush commented that the Planning Commission is a volunteer board that works very hard and takes their appointed duties very seriously. In his opinion, the entire proposed Zoning Ordinance, whether or not it is called an amendment or a re-write, requires a very thorough, methodical review by the Planning Commission. The buffer requirements section was very difficult to review since the Planning Commission believes that the requirements are deficient in the present Ordinance. While Supervisor Manfredi understands Mr. Rush's point, in an effort to manage growth more effectively, he feels

the Township must strengthen its Zoning Ordinance as quickly as possible. He commented that every month that goes by leaves Hilltown Township susceptible to a plan that is not consistent with the Board's vision for the Township. Supervisor Manfredi asked if the Planning Commission has debated what is proposed to be changed in the RR District, and Mr. Rush replied that they have, however a conclusion was not reached due to lack of time. Since roughly 77% of the Township is located in the RR District, Supervisor Manfredi encouraged the Planning Commission to begin review of the three core issues, which includes public water being density neutral, lot size, and whether or not to change RR to Conservation District, with the conservation design concept. He felt that the remaining proposed amendments could be dealt with at a later time. Supervisor Manfredi reminded Mr. Rush that these Ordinance amendments were not meant to be a new Zoning Ordinance. Chairperson Bennington explained that a Public Hearing cannot be advertised and held until the entire Zoning Ordinance has been properly reviewed. It is Supervisor Manfredi's understanding, from the Bucks County Planning Commission, that many of the proposed revisions are simply text changes. He suggested that the Planning Commission devote one entire Worksession meeting to reviewing the three points that he mentioned earlier in the proposed RR/Conservation District. Mr. Rush pushes the Planning Commission as hard as he can yet he anticipates that it will take the remaining five months of 2005 to complete their review. Discussion took place.

Motion was made by Supervisor Manfredi to direct the Planning Commission to review the RR District section of the proposed Zoning Ordinance amendment, specific to the three issues as outlined above, so they can provide the Board of Supervisors with a recommendation within 30 days. There was no second to the motion.

Chairperson Bennington does not believe that 30 days is a realistic time frame. He reminded Supervisor Manfredi of the length of time it took for review of the Comprehensive Plan, and noted that the Zoning Ordinance should be even more time consuming and require more meticulous review. Supervisor Manfredi cited the Municipalities Planning Code, which permits a Planning Commission thirty days for review of a proposed Ordinance. While Chairperson Bennington agrees with the motion to direct the Planning Commission to review a specific section of the amendments at their next meeting, he could not agree to a thirty-day time frame. Supervisor Egly reminded Supervisor Manfredi that the Board previously directed the Planning Commission to review the proposed Quarry Ordinance as well. He does not believe even a 45-day time frame for review of the amendments is realistic. Supervisor Manfredi stated that his original motion still stands, and he would be willing to give the Planning Commission a 45-day time frame to accomplish it.

Mr. Rush stated that the Planning Commission's review of the Buffer Ordinance is now complete, and he believes the Planning Commission is close to providing a

recommendation at their next Worksession meeting. Supervisor Egly wondered if the Board intends to adopt the Zoning Ordinance amendments in a piece-meal fashion. Discussion took place.

Mr. Rush believes that many of the proposed Ordinance revisions considered by the Planning Commission over the past two years have been held back so they it could be incorporated into one document. He also noted that the proposed amendment to the, Trade Ordinance, which was very difficult to review, was done as expeditiously as possible by the Planning Commission. If this Board of Supervisors does not do something about managing growth more effectively, Supervisor Manfredi fears that by the time the amendments are adopted, it will be too late.

Mr. Rush promised that he will be able to provide the Board with the Commission's recommendation concerning the proposed revisions to the RR/Conservation District as requested by the end of the next Planning Commission Worksession meeting. Supervisor Egly asked, once again, if the Board intends to adopt the RR/Conservation District amendment separate from the rest of the Ordinance. Chairperson Bennington replied that they would not. Supervisor Manfredi felt that decision would require further debate at that time, to insure that the Board takes action in the best interest of the community. Ideally, Supervisor Manfredi would prefer that things be done comprehensively and substantively, however if the Board does not want to rush to adopt the Zoning Ordinance, it should not preclude them from moving diligently on an important facet of the amendment that affects 77% of the Township. In other words, Supervisor Manfredi does not feel the Board must adopt all of the amendments to the Zoning Ordinance at one time. If it is the Planning Commission's intent to exclusively review the RR/Conservation District amendment at their next Worksession meeting, Supervisor Manfredi agreed to withdraw his motion.

Public Comment:

1. Mr. Joe Marino of Redwing Road stated that there are over 1,420 revisions proposed in the Zoning Ordinance, yet it appears that Supervisor Manfredi wants the review of the Ordinance done quickly, not necessarily accurately. Further, Mr. Marino does not consider these proposals as "amendments" to the Ordinance; rather he feels they are absolute changes. He noted that the $25,000.000contract with the Bucks County Planning Commission to draft the Ordinance refers to it as an "update" of the entire Ordinance. Mr. Marino believes that both of the Land Use Summits Supervisor Manfredi referred to were held using flawed procedures, which in his opinion, makes the outcome flawed as well.

Earlier, Supervisor Manfredi implied that the Township Solicitor recommended lot sizes of 1.8 acres in the RR District so as to b defensible in court, however Mr. Marino feels

that it is unconstitutional and is nothing more than a taking for which he can provide case law. Mr. Marino asked if the Supervisors recommended 1.8-acre lot sizes to the Bucks County Planning Commission when they were drafting the Zoning Ordinance. Supervisor Manfredi replied that he did not. Mr. Marino resents the fact that Mrs. Bush of the Bucks County Planning Commission, who does not reside in, pay taxes to, or answer to the voters in Hilltown Township, tells this Board what they should do.

Mr. Marino felt that the Township's Planning Commission is doing a great job with their review of the proposed 1,420 plus changes to the Ordinance. He believes the Supervisors should be asking the Planning Commission to do the most thorough, intensive review that they can, instead of asking them to rush their review. In the future, Mr. Marino would prefer that the Supervisors refrain from calling these changes "amendments" since they are not. He believes this is actually that a complete update of the Zoning Ordinance. Further, Mr. Marino noted that this document was not available to the public or even to the Planning Commission until June, yet it was apparently given to Supervisor Manfredi in February.

Mr. Marino stated that if the Supervisors advertise this document for Public Hearing as "amendments to the Zoning Ordinance," he intends to challenge it. He urged the Board of Supervisors to do what is right for the Township as a whole, but also wants the Board to do what is right for the Township as a whole and for individual property owners. Mr. Marino asked the Board to respect his individual, Constitutional rights to which he is entitled.

In answer to some of Mr. Marino's questions, Supervisor Manfredi referred to regulations in the Municipalities Planning Code with respect to the time frame a Planning Commission is permitted for review of an Ordinance. Supervisor Manfredi certainly wants the Planning Commission's review of the amendments to be done correctly, however the reason he is mindful of the timeframe involved is because it is most important for the Township to begin managing growth more effectively.

Supervisor Manfredi disagreed with Mr. Marino's claims that the Land Use Summit process was "flawed." Mr. Marino felt that those invited to both Summits were handpicked by Supervisor Manfredi and that specific individuals were excluded from participation. Supervisor Manfredi replied that representatives and organizations who are active in the planning process were invited to attend both Land Use Summits.

Supervisor Manfredi noted that the issue of 1.8 acre lot size came about several years ago when there was a question as to what lot size could sustain a court challenge, for which an opinion had been provided by Solicitor Grabowski, who is also a Township resident. Lengthy discussion took place.

Supervisor Manfredi does not believe this Board is trying to rush the Planning Commission's review of the proposed amendments. Mr. Marino disagreed, stating that Mr. Rush provided his honest opinion of the timeframe necessary for the Planning Commission's review, however Supervisor Manfredi was not satisfied with that answer.

2. With respect to the Diamond Street/Fairhill Road intersection and the Planning Commission's discussion of the Gitlin/Johnson Subdivision, Mrs. Alice Kachline of Mill Road wished to make a suggestion. She noted that there is currently a four-way stop sign at the Fairhill Road/Keystone Drive intersection, where she does not feel it is necessary. Mrs. Kachline encouraged the Board to approach PennDot about perhaps swapping the location of that four-way stop sign to the Diamond Street/Fairhill Road intersection, where she believes it is warranted.

3. Mr. Jack McIlhinney, member of the Planning Commission, agreed with Mr. Marino that the proposal for the Zoning Ordinance is definitely a re-write; not amendments to the Ordinance. He feels the manner in which this document was compiled and presented to the Planning Commission was absurd. Though the Planning Commission is doing its best, Mr. McIlhinney stated that the review of these proposed revisions is almost impossible. Personally, Mr. McIlhinney had requested a copy of this document since January, however it was not presented to the Planning Commission until June. He is aware, however, that Supervisor Manfredi obtained a copy of this document in February. Mr. McIlhinney commented that it would be extremely difficult for the Planning Commission to conduct a proper review of this voluminous document in 30 or even 60 days.

Mr. McIlhinney noted that the first Land Use Summit was nothing more than a discussion about the Cluster option, with lots as small as 10,000 and 12,000 sq. ft. At the second Land Use Summit, there was only time to cover only half of the subject matter, and there were no decisions made.

Mr. McIlhinney is convinced that this is a complete re-write of the Zoning Ordinance, and he believes that when the other two Supervisors have the opportunity to read the proposed 1,400+ changes, they would agree with him. Supervisor Manfredi commented that the original intent was solely to amend the Zoning Ordinance. Mr. McIlhinney disagreed, noting that in May or June of 2004, the Supervisors contracted with the Bucks County Planning Commission to re-write the entire Zoning Ordinance. Mr. McIlhinney was opposed to adopting this Ordinance in a piece-meal fashion, which he feels would fracture the overall review of the document. Supervisor Manfredi commented that this Board of Supervisors can pass a motion to ask the Planning Commission to review certain aspects of the amendments. Mr. McIlhinney wondered what purpose that would serve. Supervisor Manfredi expressed his concern with the rate of growth in this

Township, transportation and traffic issues, and the ADA requirements, as well as caring for the elderly and physically disabled.

Supervisor Manfredi stated that the Board has not directed the Planning Commission in respect to time, in any way, shape or form. The only issues that are time sensitive are the three points regarding the RR/Conservation District which Supervisor Manfredi feels is a policy discussion relative to a potential Ordinance amendment. It appears to Mr. McIlhinney stated that Supervisor Manfredi wants to set policy on three acre lot sizes. Supervisor Manfredi explained that he made an earlier motion for the Planning Commission to address three specific issues, and refused to debate every word of that motion with Mr. McIlhinney.

Mr. McIlhinney advised that there is also a proposal to provide for nearly double the density in the village of Blooming Glen, and wondered how that particular proposal came to be. Supervisor Manfredi stated that not every proposed Ordinance amendment will be adopted, and reminded Mr. McIlhinney that Public Hearings would be held to obtain residents input. Discussion took place.

3. Mrs. Judy Greenhalgh of Blooming Glen Road asked how the proposed Quarry Zoning Ordinance amendment relates to the Public Hearings that were held over the past two years. Chairperson Bennington explained that once all of the Public Hearings are completed, the two Supervisors (minus Supervisor Manfredi) must make a decision on H & K's quarry expansion request. If the Stipulation Agreement, which is between H & K Quarry and Hilltown Township, is approved by Chairperson Bennington and Supervisor Egly, a Public Hearing must be held to consider the proposed Zoning Ordinance amendment to actually permit the expansion of either one and/or both quarry sites. The proposed Ordinance amendment will be reviewed by the Planning Commission at their August 15th meeting. The Board of Supervisors will announce their decision on the Stipulation Agreement at the August 25, 2005 meeting at 7:00PM.

4. Mr. Bill Haubeck of 526 Middle Road has lived in Hilltown for 28 years. When he first moved to Hilltown, wells were dug to depths of 600 ft. to 800 ft. to provide water to the proposed Tiffany Drive development. Now Mr. McIlhinney's neighboring property is being developed, which will require the drilling of additional wells. Mr. Haubeck believes that the Supervisors should be paying more attention to the issue of water, which is in short supply in this area. Lengthy discussion took place.

There was no further public comment.

M. <u>PARK AND RECREATION BOAD REPORT – Mr. Jon Apple, Chairperson</u> – Mr. Apple presented the Park and Recreation Board Report for the month of July 2005. The Jack Fox Memorial Tree Planting will be held on October 8, 2005 at 9:00AM here at

the Township building. The Hilltown Halloween Festival will be held on October 22, 2005 from 2:00PM to 7:00PM at the Pearl S. Buck Foundation.

Chairperson Bennington asked the status of the request from the family of Marine Lance Corporal Robert Minninger to plant a memorial tree at the Hilltown Civic Park in his honor. Mr. Apple advised that the Park and Recreation Board will discuss this issue at their next meeting.

N. OPEN SPACE COMMITTEE REPORT – Mr. John Wietecha, Chairperson – Mr. Wietecha advised that there was no quorum at their last meeting.

O. NEW BUSINESS:

1. Mrs. Leslie provided the Board with a memo dated August 8, 2005, advising that Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans, and requires that the governing body be informed of the plan's expected financial obligation for the coming year. She advised that the 2006 pension plan cost (also known as the MMO) requires an estimate of the 2005 W-2 wages of the employees covered by the plan. Mrs. Leslie provided the Board with the estimate of $166,412.00, which is the Township's 2006 bill for the pension plan. The calculated obligation must be paid by December 31, 2006, and must be met with general fund monies or with any General State Aid to the Municipal Pensions to which the Township may be entitled under Act 205.

P. MYLARS FOR SIGNATURE: None.

Q. PUBLIC COMMENT:

1. Mrs. Newman of 402 Brookside Drive received a copy of Mr. Wynn's report regarding the stormwater problem in the Pleasant Meadows development. She and her neighbors would like to provide additional input regarding Mr. Wynn's latest report dated August 3, 2005

Mrs. Mary Gebler of 408 Brookside Drive stated that according to Mr. Wynn's June 9th correspondence, the main reason for the stormwater problems was due to actions by the owner of 13 Yarrow Court who built up his rear yard, yet according to Mr. Wynn's August 3rd letter, a majority of the work to divert runoff into the easement/swale area is now anticipated to occur on 406 and 408 Brookside Drive.

Mr. Dennis of 406 Brookside Drive is pleased that this stormwater issue is finally being addressed. He is surprised however that the responsibility of the property owner at 13 Yarrow Court seems to have disappeared, and wondered what caused that change.

Mrs. Newman asked where the Supervisors anticipate the estimated $4,000.00 required to perform the necessary work would come from. Chairperson Bennington had no idea at this point who would be responsible for the $4,000.00.

2. Mrs. Judy Greenhalgh of Blooming Glen Road provided a status report of the water situation in Blooming Glen with regard to H & K Quarry. She advised that when the original report was formulated as to where the most affected wells would be, it was determined it would be toward the Dublin area, with little or no affect to the Blooming Glen area. Mrs. Greenhalgh stated that two more wells have since gone dry on Twinbrook Road (Russberger and Hange properties). She advised that H & K did respond immediately and took care of this problem. Mrs. Greenhalgh was advised that the quarry does not intend to go down to the sixth level (300 ft.) as originally anticipated, which she believes is a result of all of the wells H & K knows they would be impacting.

3. Mr. Hans Sumpf of 9 Beverly Road noted that Deep Run is experiencing problems with individuals not picking up after their dogs at the Telegraph Road athletic fields that they lease from the Township. Some Deep Run coaches are even refusing to use the fields because of it. He wondered if it would be possible to install doggie mitt dispensers at the Telegraph Road site, similar to those presently in place at the Hilltown Civic Park. Chairperson Bennington believes it would be possible and agreed to speak to Mr. Buzby about it. Supervisor Manfredi suggested that the Ordinance be reviewed to determine if the Telegraph Road property would be included. Discussion took place.

Mr. Sumpf noted that last year, the neighbor on the west side of the Telegraph Road field had inquired about the installation of a fence to separate their property from the athletic fields. There is a possibility that Deep Run may now be receiving a donation of a fence, and Mr. Sumpf intends to approach the neighbor to ask if they are still interested. He asked the procedure involved with installing a fence and receiving approval from the Township to do so. Discussion took place.

Mr. Sumpf has heard that the developer of the Hilltown Chase Subdivision is required to overlay the roadway that connects that development to Beverly Road. He noted that the Pennridge School District refuses to bring a bus through the development until the road has been dedicated. Chairperson Bennington advised that the developer has 18 months to complete the public improvements, before the Township will take dedication of the roadways. Discussion took place.

R. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi noted that there is over one million dollars in the Open Space Fund. He believes the Open Space Committee should begin the process of reviewing properties and making recommendations to Supervisors as to what properties the Township should be considering for open space. Supervisor Manfredi wondered if there would be any merit to borrowing a large sum of money, based upon available land, for the purchase of open space. Discussion took place.

Motion was made by Supervisor Manfredi to authorize the Open Space Committee to consider the above noted issues and then make recommendations to the Board of Supervisors. There was no second to this motion at this time.

Mr. Wietecha stated that the Open Space Committee currently reviews parcels to determine if they should be obtained as open space; and has also considered floating a bond, and then using the open space income to pay for the principle. Mr. Wietecha requested that the Supervisors advise the Committee as to what they are willing to pay per acre, since they do not know how large of a bond should be considered. The Open Space Committee is currently considering seven properties. Discussion took place.

Supervisor Manfredi clarified his motion to authorize the Open Space Committee to identify parcels that would be available for purchase, and to provide the Supervisor's with their recommendation as to cost per acre, and to provide a recommendation concerning the idea of floating a bond or borrowing funds to acquire open space parcels. Motion was seconded by Supervisor Egly, and carried unanimously.

Public Comment:

1. Mr. Joe Marino, a member of the Open Space Committee, had prepared a list of 5+ acre parcels in the Township with information he obtained from the Bucks County Planning Commission. He visited several owners of these 5+ acre parcels to determine if they were interested in selling that property to the Township as open space. However, he stopped after several members of the Open Space Committee expressed concern with Mr. Marino speaking to the property owners on a one-to-one basis. Mr. Marino stated that the Open Space Committee is willing to move forward with the directive by the Supervisors to investigate the information and provide a recommendation to the Board of Supervisors.

Supervisor Manfredi commented that the Board discusses many issues at public meetings, however until a directive is put in the form of a motion and adopted by the Board of Supervisors it does not become an official action of the Board.

There was no further public comment.

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

T. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the August 8, 2005 Supervisor's Worksession meeting was adjourned at 9:46PM.

Respectfully submitted,

Lynda Seimes
Township Secretary
(*These minutes were transcribed from tape recordings taken by Mrs. Lorraine E. Leslie, Township Treasurer).