

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, March 14, 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 7:34PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr. – Vice-Chairperson  
Christopher Engelhart – Chief of Police  
Thomas Buzby – Director of Public Works  
Francis X. Grabowski – Township Solicitor  
C. Robert Wynn – Township Engineer  
Lorraine E. Leslie – Township Treasurer

Chairperson Bennington announced that he and Supervisor Egly met in Executive Session prior to this meeting in order to discuss real estate, personnel, and legal issues including the Smith Tract Subdivision, McIntyre Subdivision, Metzger, and the Pearl S. Buck Foundation

Chairperson Bennington called for a moment of silence in recognition of two individuals who recently passed away – Mrs. Rachel Gerner, wife of John Gerner, and Mr. Jack Fox. Chairperson Bennington explained that Mr. Fox was his mentor when he first joined the Planning Commission in 1985, and when he was summarily removed from the Planning Commission for trying to control development, Mr. Fox served as Chairperson Bennington’s campaign manager during his first run for Supervisor. He advised that Jack Fox was his very dear friend, and commented that he was closer to Mr. Fox than he was to his own father. Many people thought that Chairperson Bennington and Mr. Fox hated each other, however in reality they just differed in opinion and disagreed on issues. Mr. Fox saw things in black and white, while Chairperson Bennington saw things in gray. Sometimes, after months of not speaking, either Chairperson Bennington would call Mr. Fox or vice-versa, they would talk about family and move on. Chairperson Bennington commented that Mr. Fox contributed a great deal to this community, spending thirty years of his life volunteering, and gave his whole heart and soul to this Township. Chairperson Bennington stated that he would truly miss Jack Fox, noting that he contributed a great deal more than he took away from Hilltown Township.

Supervisor Egly advised that Mr. Fox was also a friend and a great help to him over the years. When he first moved to Hilltown Township in 1965, the first person to visit was Mr. Fox, who was a great historian and advised of a former glass factory that once existed on Supervisor Egly’s farm. While Mr. Fox was a member of the Board of Supervisors during Supervisor Egly’s tenure as Chief of Police, he was a great supporter of the entire Police Department. Mr. Fox was a wonderful volunteer who gave

his all for Hilltown Township. Supervisor Egly will also miss Mr. Fox's presence and his contributions to the municipality.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the February 14, 2005 Worksession Meeting – Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the minutes of the February 14, 2005 Worksession Meeting, as written. There was no public comment.

Action on the minutes of the February 25, 2005 Land Use Summit Forum II – Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the minutes of the February 25, 2005 Land Use Summit Forum II, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated March 15, 2005, with General Fund payments in the amount of \$17,603.10 and State Highway Aid Fund payments in the amount of \$3,190.94; for a grand total of all payments in the amount of \$20,794.04.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the Bills List dated March 15, 2005, as written. There was no public comment.

D. TREASURER'S REPORTS – Chairperson Bennington presented the Treasurer's Report with the following balances as of January 31, 2005:

General Fund Checking	\$ 31,893.55
Payroll Checking	\$ 1,253.90
General Reserve Fund	\$ 76,910.77
Open Space Fund	\$ 650,143.19
Fire Fund Checking	\$ 1,766.84
Debt Service Checking	\$ 146,720.53
State Highway Aid Checking	\$ 397.88
Escrow Fund Checking	\$1,466,287.82
Capital Projects Fund	\$ 43,195.55

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the Treasurer's Report dated January 31, 2005, subject to audit. There was no public comment.

E. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the month of February 2005; a copy of which is on file at the Township office. Discussion took place regarding the purchase and storage of salt.

F. POLICE REPORT – Mr. Christopher Engelhart, Chief of Police – Chief Engelhart presented the Police Report for the month of February 2005; a copy of which is on file at the Township office.

A memo had been forwarded to the Board of Supervisors dated March 8, 2005 regarding proposed traffic control improvements on Central Avenue, as recommended by Mr. Buzby and Chief Engelhart, who proposed prohibiting trucks, except local deliveries between the entrance/exit of Hilltown Plaza onto Central Avenue and extending out to County Line Road. In addition, "Stop Except Right Turn" signage is proposed for westbound traffic upon entering the "S" curve at Hickory and Oak Streets. Discussion took place.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the proposals as made by Mr. Buzby and Chief Engelhart via correspondence dated March 8, 2005 regarding Central Avenue, as noted above. There was no public comment.

The Police Department will continue to accept applications for the position of police officer until March 31, 2005.

G. BUILDING REPORT - Mr. Taylor was not present. A copy of the February 2005 Building Report is on file at the Township office.

H. HILLTOWN AUTHORITY REPORT – Mr. James C. Groff, Authority Manager – Mr. Groff presented the Hilltown Authority Report for the month of February 2005; a copy of which is on file at the Township office.

I. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson – Mr. Snyder presented the Zoning Hearing Board Report for the month of February 2005; a copy of which is on file at the Township office. Mr. Snyder very much appreciated the Supervisors appointing a third member, Mr. Joe Kirschner, to the Zoning Hearing Board, and looks forward to working with him in the future.

Chairperson Bennington requested an explanation of the Zoning Hearing Board's variance recently granted to Sunoco for their site at Rt. 309 and Hilltown Pike regarding setback requirements. Mr. Snyder explained that a majority of the variances granted were actually a decrease in an existing non-conformity, such as the canopy, which will

be moved back away from the road. Another major issue was the concern about the diesel pumps. The variance granted with respect to the diesel pump will now decrease the amount of non-conformity from where the pumps are now located on the Hilltown Pike side of the site. A lengthy discussion took place.

J. HILLTOWN FIRE COMPANY REPORT - Mr. Mike McGinnis, Battalion Chief, read the Hilltown Fire Company Report for the month of February 2005; a copy of which is on file at the Township office.

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

At the most recent Fire Prevention Bureau meeting, discussion took place regarding medical responses, which the Board had expressed concern about at a previous meeting. Mr. Gillespie suggested that the Fire Marshal and the squad chiefs meet to review incidents over the past three years to review consistency before the Supervisors make a determination. He noted that medical calls certainly have increased, however it is due to the growing population in Hilltown Township.

L. PLANNING COMMISSION REPORT – Mr. D. Brooke Rush, Chairperson – Mr. Rush reviewed the Planning Commission Worksession meeting minutes of March 7, 2005; a copy of which is on file at the Township office.

Mr. Rush sought direction concerning the recently submitted McGrath re-zoning request. Since Supervisor Manfredi was not present this evening, and Supervisor Egly has abstained from discussion on this topic, Chairperson Bennington was unable to provide direction. With respect to how plans are submitted for public water extension, Mr. Rush advised that the Planning Commission would continue to handle those plans as they are received for review.

M. PARK AND RECREATION BOARD REPORT – No one was present.

O. OPEN SPACE COMMITTEE REPORT – Mr. John Wietecha, Chairperson – Mr. Wietecha presented the Open Space Committee Report for the month of February 2005. At their last meeting, the Committee reorganized and the following individuals have been appointed as officers – John Wietecha, Chairperson, Sandy Williamson, Secretary, and Jeff Lapp, Vice-Chairperson. The Open Space Committee will begin to file for grants this week from the State and Federal government.

P. CONFIRMED APPOINTMENTS -

1. Mr. Jeffrey Drake – Edward McIntyre Subdivision – Mr. Drake was in attendance representing Mr. and Mrs. Dean Hernandez regarding a lot they purchased in 1988 from the former Edward McIntyre Subdivision of 1976. At the time of purchase, Mr. Hernandez was aware that the lot would not perk, and therefore, began the process with the Bucks County Board of Health to bring in fill with the intent of making the property suitable for a sand mound system. It is Mr. Drake's understanding that the property will soon complete the approval process and the lot will then be suitable for a sand mound system. Mr. Hernandez has entered into an Agreement of Sale for this lot, however during the title search, the buyer's title company discovered a note on the plan stating the following "Not to be considered as a building lot until public sewers are available. Not to be developed at this time." Mr. Drake understands that the aforementioned restriction does not appear in the Deed itself, nor is there any separate Restrictive Covenant of Record. Mr. Hernandez is about to go to settlement very shortly and fears that this note could hinder that process. Mr. Drake believes that this note on the plan did not actually mean "public sewers," rather it meant a sewage disposal system that was approved by the Bucks County Board of Health. Therefore, he is asking the Board to consider passing a Resolution stating such. His client is willing to provide the Township with a Release and Indemnification Agreement, which Mr. Drake has forwarded to the Township Solicitor for review.

Solicitor Grabowski reviewed the old file for this subdivision and spoke to the realtor who handled this matter in 1976, who discovered that there was a hand-printed notation on the subdivision plan itself containing initials that he believes were those of the Supervisors at that time. This was a two lot, minor subdivision, and Mr. Drake has attempted to contact the owner of the second lot to discuss this issue further. It is the Township's concern is whether or not there would be any third party who would have a claim against the Township by removing that restriction on the plan. In order to address that, Solicitor Grabowski requested that Mr. Drake provide a Release and Indemnification, which would remove the Township from any liability that may be taken in the future. Solicitor Grabowski is satisfied with this document, from a legal prospective, and recommended that the Board take the appropriate action. Discussion took place.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution 2005-16, to allow for an interpretation that the restriction contained on the Edward McIntyre Subdivision plan of 1976, for Lot #2 of said plan is to be revised so as not to be considered as a building lot until such a time as it contains a sewage disposal system that has been approved by the Bucks County Department of Health.** There was no public comment.

2. Mrs. Cindy Owen – Neighbors for Responsible Land Use and Development – Sewers in the RR District – Mrs. Owen of 506 Dublin Pike sent condolences to the family of Mr. Jack Fox and to Hilltown Township on their loss, commenting that Mr. Fox was a great asset to the community, to the Hilltown Historical Society, and the Hilltown Township Board of Supervisors and Planning Commission. She advised that Mr. Fox was a friend who would be greatly missed.

Mrs. Owen presented a signed petition and read the following prepared statement into the record:

I am a member of the Neighbors for Responsible Land Use and Development. We are a group consisting of several hundred residents who care deeply about the quality of life in Hilltown Township. We believe that every effort possible should be made to protect our rural heritage where we have lived for decades and where our ancestors have lived for generations. We are intent on sustaining our agricultural rural residential conservation district, and our historic preservation areas by adhering to zoning regulations established by this Board's predecessors to preserve our conservation areas. Simultaneously, we are protecting our rural heritage while discouraging suburban sprawl. While we realize that Hilltown is going to grow, wise Zoning laws will minimize growth to safeguard the interests of the people who live here. Approving sewer extensions in the RR goes against the intent of our Act 537 Wastewater Facilities Plan, and our Hilltown Township Zoning Ordinance for conservation areas. It will amount to a defacto invitation to developers and high density housing in the Rural Residential Zoning District.

Currently, Hilltown Township is faced with a proposal by a land development and building company that will result in unprecedented population density. This change to our conservation district is a significant step that the Township is being asked to consider. We stand before you on behalf of hundreds of people urging this Board to be conscious of the future implications of your decision to change or amend our Zoning in the Rural Residential conservation district. We again state that the extension of sewers into the RR is an open invitation to developers to come and build closely spaced, dense dwellings on agricultural landscapes. Our rural greenescapes are becoming a thing of the past right before our eyes. We will never get them back if we, in effect, legislate them away ourselves. We ask you to protect them.

We are cognizant that you do not have an easy job. We appreciate how challenging your work is. We urge the Hilltown Board of Supervisors to do the right thing, to be guided by and pursue the protection of our conservation district, and to honor the wishes of residents and voters most deeply affected by any given proposal. Therefore, we respectfully enter the following into the record:

"The Neighbors for Responsible Land Use and Development, along with 850 Township residents, have signed a petition requesting no extension of sewers into the Rural Residential Zoning District. Hilltown voters continue to add their signatures to this document, which we will update periodically. We expect in excess of 1,000 signatures in the near future. We appreciate your attention and your courtesy, and we present you with this petition."

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

1. Solicitor Grabowski presented a Resolution accepting the First Service Bank Land Development Agreement, Financial Security Agreement, and a Resolution of Declaration of Road Frontage for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to accept the Land Development and Financial Security Agreements for First Service Bank. There was no public comment.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution #2005-17, accepting the Declaration of Road Frontage Easement for the First Service Bank Land Development, as noted above.** There was no public comment.

2. Split Acre Farms (County Cork Builders) – Solicitor Grabowski presented Sewage Maintenance Agreements for the 13 lots in the Split Acre Farms Subdivision.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to accept the Sewage Maintenance Agreements for the 13 lots in the Split Acre Farms Subdivision, as noted above. There was no public comment.

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

1. Haberle Steel - Land Development Waiver Request – This land development submission waiver request for a proposed 24 ft. by 55 ft. temporary sales trailer on the former Kunkin Steel site located on Cherry Lane was unanimously recommended for approval by the Planning Commission conditioned upon satisfactory completion of items as contained in the January 26, 2005 engineering review with the Planning Commission noting that the Zoning Permit for a 3-year temporary structure as noted within Item #2 of the engineering review should clearly require removal of the structure at the end of the 3-year period unless an extension is granted by the Board of Supervisors.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to grant waiver of Land Development for the Haberle Steel proposal, as noted above, conditioned upon satisfactory completion of all outstanding items as contained within the January 26, 2005 engineering review, including that the Zoning Permit for a 3-year temporary structure as noted within Item #2 of the engineering review should clearly require removal of the structure at the end of the 3-year period unless an extension is granted by the Board of Supervisors. There was no public comment.

2. Deep Run Sports Association – This land development waiver request for development of Deep Run Sports Association soccer fields and parking on the Township-owned parcel located at the intersection of Fairhill Road and Rt. 152 was unanimously recommended for approval by the Planning Commission, subject to completion of outstanding items as contained within the February 10, 2005 engineering review and subject to the proposed development of Township land being satisfactory to the Board of Supervisors. The Planning Commission also emphasized that soccer field and parking area lighting design must comply with the Township Lighting Ordinance prior to issuance of any Zoning Permits for installation. Finally, Mr. Wynn noted that the current application does not include the construction of a building on the site, although a proposed future pavilion, meeting room and storage room are shown. The plan indicates that this building is “to be served by public water and sewer. Mr. Wynn advised that reference to public water and sewer should be removed from the land development waiver plan since the issue of utilities is not being considered at this time, and leaving the note on the plan may suggest that the site is approved for public water and sewer facilities with the approval of the land development waiver request.

Mr. Dave Weaver, the applicant's engineer, was in attendance to present the plan. Deep Run Valley Sports Association has entered into a Lease Agreement with the Township for use of the 15-acre parcel located at Rt. 152 and Fairhill Road. Four soccer fields, 194 parking spaces, driveway access to the facility via Fairhill Road, implementation of a stormwater management basin designed to meet the Ordinance, landscaping, and a future building, which would not be constructed at this time and is not a part of the proposal being considered this evening.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 asked when Deep Run might propose construction of the buildings on the site. Mr. Hans Sumpf, president of Deep Run replied that there is not funding available at this time to construct any buildings, however its eventual location has been shown on this land development plan for construction in the future. When the building is eventually constructed, Mrs. Bolger asked who would own it, since it is being constructed on Township land. Mr. Sumpf noted that the lease states that any construction on the site becomes the property of Hilltown Township; or in the alternative,

any construction must be removed by Deep Run, once the lease has expired. Mrs. Bolger asked if any Hilltown taxpayer's dollars would be spent for construction or site work on this property. Mr. Sumpf replied that no taxpayer funding would be used.

Since funding appears to be an issue, Mrs. Bolger wondered how and when Deep Run will address the stormwater runoff issues currently affecting neighbors of the Deep Run site along Hilltown Pike. Mr. Sumpf noted that the stormwater matter is a separate issue. Mrs. Bolger commented that Deep Run Valley Sports Association has not been a good neighbor to the residents on Hilltown Pike, and she is very concerned with this latest land development proposal due to its close proximity to her property on Rt. 152. Discussion took place.

2. Mrs. Jackie Walker asked if any landscaping is proposed for the site. Mr. Sumpf replied that landscaping and a berm is being proposed along Fairhill Road.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to grant waiver of Land Development to the Deep Run Sports Association for soccer fields and parking on the Township-owned parcel located at the intersection of Fairhill Road and Rt. 152, subject to completion of all outstanding items as contained in the February 10, 2005 engineering review, and subject to the proposed development of Township land being satisfactory to the Board of Supervisors. There was no public comment.

3. Patel Subdivision – This 2-lot subdivision located on Mill Road within the RR Zoning District was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of outstanding items as contained within the February 14, 2005 engineering review, with approval of all waivers noted within Item #1.A through 1.E of the engineering review. Mr. Joe Kuhls, the applicant's legal counsel, was in attendance to present the plan.

Public Comment:

1. Mrs. Sandy Williamson advised that the Open Space Committee reviewed this plan and wondered if this site was granted a variance that she was not aware of with respect to lot size for public water service. Mr. Wynn explained that the site does meet the acreage requirements, noting that for a minor subdivision, the requirement is for 50,000 sq. ft. lots instead of three acres for on-lot water.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to grant preliminary/final plan approval to the Patel Subdivision, subject to completion of outstanding items as contained within the February 14, 2005 engineering

review, with approval of all waivers noted within Item #1.A through #1.E of the engineering review. There was no public comment.

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

1. Perkiomen Creek Watershed/Stormwater Management Ordinance - Mr. Wynn provided the Supervisors with a copy of a draft Ordinance to amend the Stormwater Management Ordinance in order to comply with DEP requirements of the Perkiomen Creek Watershed. As in the past, the entire Stormwater Management Ordinance would be amended so that the newest regulations with respect to calculations and design criteria are established not only in the Perkiomen Creek Watershed, but in the Tohickon and Neshaminy Creek Watersheds as well. The Board is in receipt of both an Ordinance amendment and a copy of the entire Ordinance with every change shown in bold italicized print. Since Supervisor Manfredi is not present this evening, the Board unanimously agreed to table this issue for further discussion.

2. West Nile Virus Spraying – BCHD – Correspondence was received from the Bucks County Department of Health seeking a Township letter granting BCHD permission to treat municipal properties for mosquito control to reduce the spread of West Nile Virus. If authorized, BCHD will spray Township properties and roadways if mosquitoes carrying the West Nile Virus are discovered. If the Township does not authorize spraying by the BCHD, and mosquitoes are found, the Township will be ordered to implement its own mosquito control program.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to authorize the Bucks County Health Department to spray municipal properties and roadways if mosquitoes carrying the West Nile Virus are discovered in Hilltown Township. There was no public comment.

3. Hatter Subdivision Stormwater Management – The maintenance period for the three lot subdivision located on Callowhill Road is expiring and correspondence dated January 27, 2005 has been received from Michael and Ida Hatter requesting that they be relieved from installation of the Stormwater Management pit on Lot #3, as well as releasing of the escrow funds in the amount of \$1,725.00 for the same. Since any Zoning or Building Permit issuance for a single-family dwelling on this lot would require establishment of financial security to guarantee installation of the Stormwater Management pit pursuant to requirements of the Stormwater Management Ordinance, Mr. Wynn recommended that the Board of Supervisors approve the request of Mr. and Mrs. Hatter.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to accept the 18-month maintenance period for the Hatter Subdivision, and

to approve the request of Mr. and Mrs. Hatter, relieving them from installation of the Stormwater Management pit on Lot #3 of the Hatter Subdivision, and to release escrow funds in the amount of \$1,725.00 for same. There was no public comment.

4. Smith Tract Planning Modules - Planning Modules have been submitted for this 26 lot subdivision located on Rickert Road, which received a plan approval that includes construction of a sewage treatment plant to serve the new dwellings. The sewage treatment plant is to be owned and operated by the Hilltown Township Water and Sewer Authority. One of the conditions of plan approval is the approval of Sewage Facilities Planning Modules by DEP. At the same time the Township received the Planning Modules, correspondence was received from Perkasio Borough Authority, noting objections to the proposed sewage treatment plant. Administratively, the Township must respond to any objections raised in writing during the Public Comment period, which remains ongoing. It is Mr. Wynn's recommendation to table action on the Planning Modules, and noted that the Supervisors have 60 days from this evening in order to act on them. During that 60-day time frame, Mr. Wynn believes the objection of the Perkasio Borough Authority can be administratively reviewed and perhaps a review by the Hilltown Authority could also take place. The Supervisors unanimously agreed to table this issue for future discussion.

5. Longleaf Subdivision (Phase II) – The 18-month maintenance period for improvements within the Longleaf II Subdivision expires via a maintenance bond on March 22, 2005. Mr. Wynn explained that there are a number of outstanding items, including primarily replacement of the sidewalk, which is yet to be accomplished by the developer. He spoke with a representative of Heritage Building Group, who indicated that a three-month extension of the bond is forthcoming, and they would like to extend the maintenance period for that same three-month time frame.

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to authorize the Township Solicitor to make a demand on the maintenance bond for the Longleaf Subdivision (Phase II) by end of this week, in the event an extension is not received within the next few days. There was no public comment.

T. CONFIRMED APPOINTMENTS (Continued) –

3. Mr. Cornell Yellen – Conestoga Way Parking Concerns – Mr. Yellen was in attendance to discuss the No Parking Ordinance along Conestoga Way, which was passed many years ago but never enforced. With the influx of residents along Conestoga Way, the neighbors are requesting that the no parking requirements of Ordinance #82-7 be reconsidered and revised to permit parking on Conestoga Way. Chief Engelhart believes the best option would be to restrict parking on one side of Conestoga Way, though he does understand that there is a burden placed on the residents of this

neighborhood. As the Ordinance presently exists, parking is not permitted on any area of Conestoga Way. If parking is only permitted on one side of the street, Mr. Yellen requested that it be on the side of Conestoga Way where their homes are actually located, in order to avoid a safety hazard. If the Township continues to allow parking on both sides of Conestoga Way, Chairperson Bennington wondered if truck parking, at the very least, could be restricted. Chief Engelhart commented that commercial vehicle parking could be restricted along Conestoga Way, or throughout the Township, if the Board so desired. A lengthy discussion took place. Solicitor Grabowski suggested that he and Chief Engelhart draft an Ordinance for the Board's review, prior to advertisement of a Public Hearing for possible adoption, and the Board agreed.

U. TREASURER'S REPORT (Continued) – Chairperson Bennington presented the Treasurer's Report with the following balances as of February 28, 2005:

General Fund Checking	\$ 241,321.14
Payroll Checking	\$ 1,265.57
General Reserve Fund	\$ 6,946.91
Open Space Fund	\$ 746,591.22
Fire Fund Checking	\$ 2,059.67
Debt Service Checking	\$ 147,542.43
State Highway Aid Checking	\$ 9,611.56
Escrow Fund Checking	\$1,542,917.00
Capital Projects Fund	\$ 43,266.80

Motion was made by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously to approve the Treasurer's Report dated February 28, 2005, subject to audit. There was no public comment.

V. MYLARS FOR SIGNATURE:

1. First Service Bank
2. Wallace Tract Subdivision

W. PUBLIC COMMENT:

1. Mrs. Alice Kachline of Mill Road requested a status report of the search for a Township Manager. Chairperson Bennington advised that the Board is reviewing the 35 applications received, and will determine a list of individuals to interview for this position.

Mrs. Kachline announced that the Pennridge Senior Center would hold a groundbreaking ceremony on Friday, April 22, 2005 at 9:30AM.

Mrs. Kachline commented that the Comprehensive Plan adopted by the Board of Supervisors several years ago contained a survey with a question regarding limiting the extension of central sewer service and public water. Mrs. Kachline noted that 1,261 residents responded "yes" and 449 residents responded "no." She believes that response clearly shows that the residents living in Hilltown Township do not support the extension of public water and sewer into the RR District, and hopes that the Supervisors will pay attention to the residents who voted them into office.

2. Mr. Mark Antunes of 932 Callowhill Road asked the current level of usage of existing capacity of the Hilltown Authority's ability to serve. He has heard 57% as of approximately 2 years ago. With respect to public water, Mr. Groff replied that the Authority pumped 7.1 million gallons for the month of February, while currently 16.02 million gallons can be pumped. As far as sewage capacity, Mr. Groff noted that the Highland Park Treatment Plant is at 50% capacity. Mr. Antunes asked what the Hilltown Authority intends to do when the system has reached its capacity, and asked whether there is a long range plan to expand, extend, and serve a greater area. Mr. Groff commented that anyone who does not look ahead to the future is being foolish. He advised that the Authority has the ability to expand, however it is the jurisdiction of the Township Supervisors as to whether or not expansion is permitted. Chairperson Bennington stated that the Highland Park Treatment Plant only serves the development district of the Township at this time. Mr. Antunes asked if the Board is legally obligated to expand the Hilltown Authority facility to provide public sewer service if requested. Chairperson Bennington reminded Mr. Antunes that a developer has the right to develop a property, with an on-site system, A/B Systems, or a package treatment plant to service a development. Solicitor Grabowski explained that the Township adopted an Act 537 Plan, which provides guidelines and maps showing the district that the Supervisors had given to Hilltown Authority, and the other servicing Authorities, as controlled by the PADEP. Any Planning Modules ultimately go to PADEP for approval. Solicitor Grabowski advised that it is DEP's philosophy that every piece of property can be served by some type of sewage system. There are also Township guidelines that a developer must follow when proposing various types of sewage disposal systems. Solicitor Grabowski commented that there have been occasions where municipalities, including Hilltown, have disagreed with the determination of DEP and have gone to court through the Environmental Hearing Board. A very lengthy discussion took place.

In order to maintain Hilltown's rural characteristics and screen residents from developments, Mr. Antunes contacted the Bucks County Planning Commission to obtain some of the best Ordinances within the County regarding buffer plantings, which he provided for the Board's review.

With respect to the Smith Tract Subdivision, Mr. Antunes noted that the bedrock along that ridge is, at some locations, no less than 6 ft. from the soil surface. If dynamite

blasting is required to construct basements for the new dwellings on the Smith Tract, he asked if there would be any developer liability for collateral damage that would take place. Further, in order to substantiate damage, Mr. Antunes asked if there would be any pre-blast structural surveys done on the surrounding existing dwellings. Mr. Wynn does not anticipate that there would be significant blasting required for the Smith Tract Subdivision, however he noted that the requirements for notification and pre-blast surveys are DEP regulations. There are no Township regulations imposed with respect to blasting

3. Mr. Gene Kingman of 203 Rickert Road moved to Hilltown Township nine years ago for the rural characteristics, and feels that the Board of Supervisors should give the resident's concerns with respect to the extension of public sewer higher consideration than they do the developer's request to construct new developments.

4. Mrs. Victoria Halliday, a resident of Plumstead Township, owns the former cigar factory in the village of Blooming Glen. She noted that Plumstead is also facing a great deal of development, and she is under the impression that a municipality must provide a certain amount of land zoned to provide a fair share of every type of development. Mrs. Halliday commented that agricultural land is what makes a place wealthy. In this day and age of great national security issues, it has become obvious to Mrs. Halliday that agricultural land can provide for an immediate way of surviving in the event of attack. Chairperson Bennington explained that a developer could offer landowners a great deal more money to purchase their property, than a municipality could to purchase development rights. Mrs. Halliday agreed, however she believes that the Board of Supervisors has the power to deny developers who are trying to take more of their fair share of land away from the rest of the residents of the Township. Chairperson Bennington commented that development cannot be stopped, but it can be controlled through the processes that are in place. Lengthy discussion took place.

5. Mr. Joe Marino of Redwing Road stated that when he moved to Hilltown Township 40 years ago, there was no clause on his deed that says there was an entitlement for Hilltown to remain rural. He advised that a landowner can sell their property to whomever they wish, and if someone is concerned about continuing development, than they should purchase the land themselves. Due to the amount of property he owns, Mr. Marino commented that he spends in excess of \$5,000.00 in school taxes alone, even though he hasn't had a child in the school district for 25 years.

6. Mrs. Jackie Walker of Bypass Road advised that the second leading industry in Bucks County is tourism, and commented that people don't come to Hilltown to see a shopping center or a subdivision of houses. She believes that it is important, from an economic standpoint, to retain trees, barns, and the rural characteristics of Hilltown Township to support the tourism. Mrs. Walker recalls a former court case

where a small town in Ohio opposed the construction of apartment buildings, and won. The Supreme Court determined that the residents of that town had the right to determine the lifestyle that they wished to retain. Mrs. Walker suggested that the Township, along with other surrounding municipalities, challenge DEP in order to retain the rural residential areas of this and other townships by taking them to the Supreme Court of the United States. Discussion took place.

7. Mr. Walter Drill of 2515 Hilltown Pike advised that in New York State where he is originally from, they slow down development by denying the issuance of a building permit unless there are two seats available in a local school district. While he feels that is a great idea, Chairperson Bennington explained that unfortunately, Pennsylvania does not permit impact fees.

8. Mr. Edwin Bealer of Blue School Road referred to the traffic congestion along Rt. 313 due to what he considers over-development, which he is vehemently opposed to.

X. SUPERVISOR'S COMMENTS: None.

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

Z. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Chairperson Bennington, and carried unanimously, the March 14, 2005 Supervisor's Worksession Meeting was adjourned at 9:40PM.

Respectfully submitted,

Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).