

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, September 22, 2008
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:01PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Secretary/Treasurer
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
Lynda S. Seimes, Admin. Asst. to Township Manager

A. ANNOUNCEMENTS:

1. The final Bucks County Household Hazardous Waste Collection is scheduled for Saturday, Sept. 27, 2008 from 9AM to 3PM at the Quakertown Community Swimming Pool parking lot located on Mill Street in Quakertown. For additional information as to what items are accepted, please visit our website at www.hilltown.org.

2. The Bucks County Department of Health along with the Bucks County Emergency Management Agency will be conducting a Pandemic Flu Drill on Saturday, October 18, 2008 during which free flu shots will be distributed to County residents. There will be five sites throughout the county, 3 POD sites and 2 drive-through sites. The Health Department is actively seeking both medical and non-medical volunteers who would be willing to staff the clinics. Volunteer registration forms are available at the Township Administrative office during normal business hours.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Joe Marino of Redwing Road asked if the public is permitted to review items listed on the Consent Calendar, since the instructions on the agenda do not appear to permit that. Chairman Manfredi disagreed, noting that once a motion is made and seconded, the floor is open for discussion by the Supervisors and questioning by the public.

C. CONSENT CALENDAR:

- Approval of Minutes of the August 25, 2008 Supervisors Meeting.
- Approval of Bills List – September 23, 2008
- Acceptance of Financial Report – August 2008.
- Acceptance of Solicitor’s Report.
- Acceptance of Police Report – August 2008.

- Acceptance of Fire Company Reports – August 2008 – Dublin and Telford.
- Defer Community Development Block Grant Application to 2009.
- Notification of Staff Meeting with Rockhill Mennonite.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to approve and accept the Consent Calendar as noted above. Prior to a vote, discussion took place.

Supervisor Salvadore commented that there was no documentation in the packet with respect to the Community Development Block Grant Application as listed above. While the Board discussed the idea of delaying award of the CDBG, and a written recommendation was received from the Manager, Supervisor Salvadore requested that supporting documentation always be included in the packets for the Board's review.

Motion carried unanimously. There was no public comment.

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

1. Metro PCS Pennsylvania, LLC Telecommunications Conditional Use –
The Planning Commission unanimously recommended approval of the Conditional Use application for Metro PCS Pennsylvania, LLC, conditioned upon the applicant addressing items contained within the engineering review dated August 18, 2008 with the following revisions:

- No additional buffer plantings are recommended around the perimeter of the security fence, however the applicant should contribute a fee in-lieu-of required plantings to the Township Street Tree Fund.
- Land development plan submission waiver is recommended for approval (Item 2 of the engineering review).
- Waiver is recommended for approval from Stormwater Management Ordinance requirements subject to the applicant contributing a fee in-lieu-of stormwater management to the Stormwater Management Capital Fund as adopted by separate Resolution of the Board of Supervisors.
- It is acknowledged that, if proposed earth disturbance is less than 1,000 sq. feet, verification of approval of erosion and sedimentation control measures is not required from the Bucks County Conservation District.

Solicitor Grabowski noted that this Conditional Use Hearing has been advertised and scheduled for October 27, 2008 at 8:00PM.

2. Univest Corporation (Preliminary/Final) – The Planning Commission unanimously recommended preliminary and final plan approval of the Univest Corporation Minor Subdivision/Land Development located at the intersection of Rt. 113 and Bethlehem Pike, conditional upon completion of all outstanding items as contained within the September 2, 2008 engineering review. Waivers requested by the applicant from sidewalk width (proposed sidewalk is four feet in-lieu-of six feet required by the SALDO), and identification of existing features offsite as referenced in Items 3.A and 3.B of the engineering review were also unanimously recommended for approval.

Mr. Robert Newton, the applicant's engineer, and Mr. Frank Ball of Univest Corporation, were in attendance to present the plan. The 4.7669 acre site is proposed to be subdivided into two commercial lots in the PC-1 Zoning District. Lot #1, which consists of 3.0583 acres, net) is not proposed for development at this time. Lot #2 (1.7086 acres, net) is proposed for construction of a financial establishment (Use E4) with associated drive thru and parking facilities. The site currently contains a computer/operations center, bank building with drive thru facilities, miscellaneous parking areas, and driveway access along Rt. 113 and Bethlehem Pike. The plan proposes to remove a majority of the existing facilities while retaining access along Bethlehem Pike and the western-most access along Rt. 113. In addition to existing manmade improvements, the site contains areas of steep slopes and mature vegetation along the northern and western sides of the site. The site is served by public water and sanitary sewer facilities provided by Telford Borough Authority.

Mr. Newtown advised that the plan is proposed to be executed in three phases. The first phase will remove the existing buildings and driveway on Lot #1. Phase #2 will consist of the remainder of the buildings on Lot #1, and Phase #3 will consist of the removal of driveways on Rt. 113. Phase #3 could possibly take place in conjunction with development of Lot #1, depending on timing. Mr. Wynn noted that the site access revisions on Rt. 113 (Phase #3) will be escrowed and guaranteed by the developer should Lot #1 not be developed in a timely fashion.

Supervisor McIlhinney asked if the applicant obtained cross easement agreements with neighboring properties for the area between Lots #1 and Lot #2 so that traffic can continue to flow. Mr. Newton replied that there is a cross-easement agreement for this driveway, and if Lot #1 is developed with the plans that he has seen, some future developer may use the access as it exists today or may relocate it.

Supervisor McIlhinney questioned the underground stormwater management detention facility. Mr. Newton explained the detention facility on Lot #2 will manage the

increased runoff from the developed area of Lot #2, and a collection/conveyance system is proposed within Lots #1 and #2 to pipe runoff from the stormwater facility on Lot #2 to a discharge point within Lot #1.

Chairman Manfredi asked why parking is proposed along the frontage of the site. Mr. Newton explained that the applicant is utilizing the location of the current parking area in order to preserve the huge sycamore trees scattered throughout the property. Any additional improvements to the rear would encroach upon those existing trees. Unlike the neighboring First Service Bank, Mr. Wynn stated that the parking for this site does not encroach within the right-of-way, and while there is no fencing or shrubbery, there are fairly large Pin Oak trees located across the entire frontage, which are proposed to remain.

The applicant has requested the following waivers:

- From SALDO Section 140-36.D, which requires the minimum width for a sidewalk to be 6 ft. for commercial/industrial areas. The plan proposes sidewalk along Rt. 113 within the frontage of the site, which will connect with the existing 4 ft. wide sidewalk previously constructed within the frontage of the site along Bethlehem Pike.
- From SALDO Section 140-17.D, which requires existing features within 100 ft. of the site to be shown.

Mr. Frank Ball, senior vice-president of Univest Corporation, presented an artist's rendering showing a tower on the corner of the building angled directly at the intersection, with the bank's logo prominently displayed on three sides. The proposed structure will be a "green building," with the tower serving many "green" functions, including heating, cooling and lighting. The outside of the building will be constructed with Pennsylvania fieldstone, and the inside of the building will include five traditional teller lines/stations, along with a station with a lower countertop for individuals with disabilities. The structure will also include a disaster recovery room (per Federal mandate), vault, mechanical room, coupon viewing area, conference room, two offices, and a reception area.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to grant conditional preliminary/final plan approval to the Univest Corporation Subdivision/Land Development plan as noted above, pending completion of all outstanding items as noted in Mr. Wynn's September 2, 2008 engineering review. Prior to a vote, public comment was heard.

Public Comment:

1. Mr. Andy Dinsmore of Rt. 113 commended the developer for proposing a “green building” and looking to obtain LEED certification. He suggested that they also consider the possibility for beneficial reuse of stormwater, which would reduce the stormwater volume and would help the environment.

There was no further public comment. Motion carried unanimously.

3. Harleysville Savings Bank (Preliminary/Final) – The Planning Commission unanimously recommended preliminary and final approval of the Harleysville Savings Bank Land Development subject to completion of items as contained within the July 10, 2008 engineering review. As noted in Item #1 of the engineering review, the Township Planning Commission previously recommended approval of the eight waivers as itemized within correspondence dated May 19, 2008 from the applicant’s engineer.

Mr. Clifford Stout, the applicant’s engineer, was in attendance to present the plan. Two parcels totaling 3.197 acres are proposed to be developed for a financial establishment (Use E-4) within the PC-1 Zoning District. The plan proposes construction of a 5,200 sq. ft. bank building with drive-through facilities, a 46-space parking lot, and driveway access along County Line Road. TMP #15-1-44 (+/-2.37 acres) previously contained an existing single-family detached dwelling and car dealership sales use. TMP #15-1-45 (+/-0.82 acre) previously contained a single-family detached dwelling and garage. The site will be served by public water and sewer facilities. Mr. Stout stated that the bank is allowing for a future access in the rear lot area for whatever development might happen on the Souderton Area School District property. An interior stormsewer system is planned, which would drain into a vegetated detention basin along the northwest boundary, as well as interior landscaping improvements including a 25 ft. buffer along the parking area. Full-width widening, curbing, sidewalk, and street trees are proposed along the County Line Road frontage, with a pedestrian connection from the bank to the walkway being provided along County Line Road. In addition, the Township has requested that the bank’s inlets be connected to the CVS Pharmacy stormsewer outfall in order to conduct the stormsewer approximately 750 ft. down County Line Road to connect to an existing junction box for PennDot’s own cross stormsewer at the low point in the road.

Supervisor McIlhinney understands that the neighboring Souderton School District property was recently sold and is proposed for development. He suggested that the bank coordinate their stormwater piping in County Line Road with the developer of the school district property. Mr. Stout advised that the bank would be willing to coordinate the stormwater project if the new owner of the school district property is agreeable.

Supervisor McIlhinney asked if the bank has considered establishing cross easements with the surrounding commercial properties. Unfortunately, Mr. Stout noted that there are steep slopes and grades surrounding most of the neighboring properties, including Harleysville National Bank, the CVS Pharmacy and the shopping center to the rear. Discussion took place.

Like Univest, Mr. Stout noted that Harleysville Savings Bank is also pursuing LEED certification for a "green building," to include a geothermal system.

Chairman Manfredi emphasized the Hilltown Township location of both this bank and the previously discussed project, and requested that both banks be sure their facilities are marketed and advertised as being Hilltown Township branches of their parent company.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to grant conditional preliminary/final plan approval to the Harleysville Savings Bank, pending completion of all outstanding items as noted in Mr. Wynn's July 10, 2008 engineering review. Prior to a vote, public comment was heard.

Public Comment:

1. Mr. Andy Dinsmore of Rt. 113 also commended the Harleysville Savings Bank for "going green," and again encouraged beneficial reuse of stormwater, reduction of volume, and less discharge to streams. Discussion took place regarding the piping proposed along County Line Road. Mr. Dinsmore suggested a grass swale, which would promote infiltration and reduce discharge, and further suggested that a retention basin, rather than a detention basin, be considered for this project.

There was no further public comment. Motion carried unanimously.

4. T.R. Holdings L.P. Land Development Waiver Application – The Planning Commission unanimously recommended approval of the waiver of land development for the commercial office use located on Bethlehem Pike, subject to payment of a fee to the Stormwater Management Capital Fund and receipt of PennDot acknowledgement. Mr. Wynn's review dated September 17, 2008 was discussed.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to recommend waiver of land development for TR Holdings, subject to receipt from PennDot acknowledging completion of driveway improvements as required by the minimum use permit in the file, and payment of fee in-lieu-of Stormwater Management Capital Fund in the amount of \$750.00 as established by Resolution, and subject to completion of all outstanding items as noted in the engineering review dated September 17, 2008. There was no public comment.

5. Recommendations for denial unless extension is received:
 - Hilltown Walk (aka: Guttman) – Deadline: 10/6/08.
 - RVC Investment Land Dev. – Deadline: 10/22/08.
 - Penn Foundation II Subdiv. – Deadline: 10/1/08.

Extensions were received for all three projects. Hilltown Walk has granted an extension until December 31, 2008; RVC Investment Land Development has granted an extension until January 19, 2009; and Penn Foundation II Subdivision has granted an extension until April 1, 2009. No action is required.

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

1. Zoning Ordinance Amendment – Conservation Management Design – Mr. Wynn's correspondence dated September 17, 2008 and the revised draft Ordinance, which was prepared following review of the August 11, 2008 Board of Supervisors meeting minutes and review of the special meeting minutes of June 9, 2006. As previously noted by Supervisor McIlhinney, this Ordinance is prepared to provide an option for the landowner to consider within the Rural Residential Zoning District, and is not a separate zoning district. Since the ERSAP Subdivision Ordinance Amendment preparation is very detailed and costly, Mr. Wynn agreed that the cumbersome ERSAP Report may discourage use of the Conservation Management Design option unless incentives are included within the Ordinance.

Mr. Wynn advised that there is no density revision for Conservation Management Design than there would be for a single-family development design, and the lot size remains unchanged at 30,000 sq. ft., similar to a single-family cluster development. He suggested the Board might consider changing the maximum density (perhaps to 1 dwelling unit per acre) or changing the minimum lot size to 20,000 sq. ft., which would allow an increase of approximately 33% in the number of dwelling units. On a 20-acre site, this would still allow 8 acres to either be preserved as open space or preserved as area contained within the lots but designated as a conservation easement.

With the 20-acre minimum site area, a proposal for less than six lots might not approach the 20-acre limit, which Supervisor McIlhinney believes will send the incorrect message that the Township would not be interested in having this option pursued. Mr. Wynn recalls that the 20-acres limit was proposed two years ago when it was being compared as a use similar to a cluster use, which has a 20-acre minimum, and which requires open space rather than a flexible lot design. If the extra area above the minimum lot area can be included in larger lots and then deed restricted in a conservation easement, Mr. Wynn noted that there is no reason for 20 acres. However, with an open space requirement, the proposed open space parcels may be too small to be considered meaningful, yet it is not required to be dedicated or homeowner's association dedicated open space, then in Mr.

Wynn's opinion, there is no need for a 20 acre minimum site area. Supervisor McIlhinney suggested either the standard RR lot size of three acres, or perhaps six or even nine acres be considered. Lengthy discussion occurred.

Ms. Stern-Goldstein advised that the threshold for a true Conservation Management Design Subdivision is 20 acres, however that may not be applicable in Hilltown, since this Board is not considering a sizable chunk of mandatory open space, but is considering true flexibility. Chairman Manfredi commented that the Conservation Management Design theory is natural-features driven, and suggested that tract sizes greater than 10 acres should be considered. Supervisors McIlhinney and Salvadore agreed. Ms. Stern-Goldstein felt that the true value of this design option is the dialogue that would occur between the developer and the Township, in order to determine the potential and the value of the open space areas and natural features of the site.

Supervisor McIlhinney pointed out an error on page 3, Note #9 of the Table of Use Regulations, which incorrectly lists the minimum required lot area at 20,000 sq. ft.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to authorize the Township Engineer to make the revisions as noted above, to then forward the draft Conservation Management Design Ordinance Amendment to the Hilltown Township and Bucks County Planning Commissions for review, and unless there is recommendation for substantive changes, to authorize advertisement of the Conservation Management Design Ordinance Amendment for future Public Hearing. There was no public comment.

Public Comment:

1. Mr. Andy Dinsmore of Rt. 113 applauds the Supervisors for promoting this type of development. He has made previous comments this evening supporting the reduction of stormwater, noting that the less volume that is sent into streams, the less pollutants that are sent into streams. He suggested that the Board consider language in this Ordinance requiring all proposed development utilize these same types of principles – taking natural features into account and the use of Best Management Practices. While Supervisor McIlhinney appreciates Mr. Dinsmore's comments, he noted that this Ordinance has been under consideration for the past 3-4 years, and will be applicable in 80% of the Township.

There was no further public comment. Motion carried unanimously.

2. Subdivision/Land Development Ordinance Amendment – ERSAP – Mr. Wynn's correspondence dated September 17, 2008 and the revised draft Ordinance

amendment, along with Mr. Wynn's prior correspondence dated July 9, 2007, were discussed.

Various discussions took place regarding phrases utilized within the "purpose" portion of the ERSAP Subdivision Ordinance amendment, particularly regarding Item #1 of Mr. Wynn's July 9, 2007 correspondence. However, subsequent minutes indicate that the Board agreed that "wildlife habitat" and "Historic resources" be removed from the "purpose" section, and accordingly, the existing resources inventory requirements of the ERSAP were modified to delete reference to historic buildings and structure.

The final item discussed at the August 11, 2008 Supervisor's meeting dealt with the site visit requirement and clarification of the Township representatives who will attend. As a result, Mr. Wynn made a revision to Article II, Paragraph D on page 5 of the draft Ordinance to add the following language "Township representatives may include one member of the Board of Supervisors, one member of the Planning Commission, Township Manager, Assistant Township Manager, Zoning Officer, Township Engineer, and Township Planner." The word "may" was used rather than "shall" in case there is a scheduling problem, and one or more of the referenced Township representatives would be unable to attend. Other revisions to the proposed SALDO amendment include removal of all references to "historic resources and views," and noting that forest and woodland areas as defined in Section 140-6 of the SALDO (page 3, paragraph f) and increasing the trees to be identified that are standing alone from 10" to 12", consistent with the woodlands provisions of the SALDO (also paragraph f on page 3).

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to authorize review of the proposed Ordinance amendment, with the latest revisions dated September 17, 2008, by both the Hilltown Township and Bucks County Planning Commissions, and after such review, to authorize advertisement of the ERSAP Subdivision Ordinance Amendment for future Public Hearing. Prior to a vote, discussion took place and public comment was heard.

Supervisor Salvadore does not recall agreeing to remove all references to "historic" in this Ordinance amendment, and expressed concern that the Township would not recognize the historic significance of existing buildings or structures. She has conducted on-line research regarding neighboring municipalities, and discovered that West Rockhill Township's website includes photos of historic buildings, and East Rockhill Township's website provides a listing of their scenic views.

Supervisor Salvadore inquired as to how other municipalities catalogue and designate their historic resources, without forcing such designations onto individual property owners if they are not receptive to it. Ms. Stern-Goldstein explained that the only way to regulate historic structures, sites, uses, farmsteads, views, etc. would be to identify them

via specific criteria. The Township would have to adopt and support such a study, list those resources, and state what pertinent parts of each resource were of significance. At that point, it would be important to recognize that it is expensive to preserve, maintain, and/or restore older structures in such a way that would be historically significant. Ms. Stern-Goldstein stated that the Township should also provide suggestions for use of these properties or structures that would generate income so that an individual property owner would not be burdened to retain and restore such a structure. For instance, consideration could be given to permitting uses in residential districts where offices, bed and breakfast establishments, museum uses, etc., might not normally be allowed in order to make that property economically viable. While it varies from municipality to municipality, she noted that it would first depend on developing the Township's criteria, and then cataloging and listing those resources. Ms. Stern-Goldstein reminded the Board that age should not be the only criteria used, stating that a property/structure might be historically significant or culturally significant. If a municipality wishes to establish regulations or guidelines for the preservation of what may or may not be historic, it must first define what those properties/structures are.

Supervisor McIlhinney argued that just because one group or individual might consider a structure or property "historic," does not mean it should be controlled in some way by the Township. He recalled that this Board previously adopted the Farmstead Ordinance, which provides for special uses and privileges with a 3-acre lot size for older structures, as well as the Bed and Breakfast Ordinance, which permits older structures to be utilized; and the various uses that are permitted for a home occupation in older dwellings, structures, barns, outbuildings, etc. Supervisor McIlhinney would not support a study to determine and categorize what a "historic structure" is or is not. Supervisor McIlhinney further stated that the purpose was to encourage developers to make use of the Conservation Management Design option in the RR, while considering the existing natural resources of the site. Supervisor Salvadore disagreed, stating that the ERSAP study is to identify what resources exist on the site. In her opinion, to remove the language regarding "historic" would make the study and report exclusionary.

Chairman Manfredi asked Ms. Stern-Goldstein to clarify whether or not the inventory of historical structures or properties would be separate from the possible adoption of the Conservation Management Design Ordinance amendment. Ms. Stern-Goldstein assured him that it could only be done if the Township added a phrase such as "historical structure" to the proposed amendment. It is Chairman Manfredi's understanding that the Board had been agreeable to striking any reference to "historical" in the body of the proposed Ordinance. However, if such language were to be reinserted, Chairman Manfredi understood that it would simply be the identification of historic resources on the site and would not necessarily prohibit the other provisions of the CMD Ordinance to go forward. Ms. Stern-Goldstein agreed, noting that the identification of where historical or culturally significant structures existed would simply be for identification

purposes, not be to preclude development. She would caution the Board not to include language and references to "historic" in this Ordinance amendment unless there is a way to define it. Very lengthy discussion occurred.

Supervisor Salvadore felt that the history of this Township should be recognized, but she accepts that references to "historical structures" will not be included in this particular Ordinance. She requested, however, that this issue be placed on a meeting agenda in the next three months for the Board to once again consider conducting an historical inventory of Hilltown Township.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 asked Supervisor McIlhinney if he places any value on historical or culturally significant structures in Hilltown Township. Supervisor McIlhinney replied that he resides in such a structure, and that he does value historical structures. Mrs. Bolger questioned Supervisor McIlhinney's vision for Hilltown. Supervisor McIlhinney explained that he was elected on the platform of protecting the rights of property owners and taxpayers, and to insure that the infrastructure requirements for the future, which have not been followed to date, are in fact accomplished. He feels it is important that Hilltown Township does not end up like other municipalities in lower Bucks County, where the taxpayers are now saddled with \$40,000.00 or \$50,000.00 bills for the extension of public water and sewer. Supervisor McIlhinney lives in an old house that he has remodeled, and he supported the adoption of the Farmstead Ordinance to protect old, architecturally significant structures. However, he would be opposed to those who want to designate structures as "historic" when in fact, they are just old. Supervisor McIlhinney believes that this would eventually infringe upon the rights of those property owners should they one day wish to develop their property, but would be prevented from doing so due to a "historic" designation.

There was no further public comment. Motion carried unanimously.

3. Civic Field Improvements Status Report – Mr. Wynn advised that the lights at the Civic Park were installed and are in working order. The contractor plans on paving the basketball courts either tomorrow or Wednesday, depending on whether or not the courts are solid and dry enough. Outstanding items include paving, installation of acrylic surface, installation of fences/benches, and clean up. The contractor had optimistically anticipated completion of the project by the end of next week, with the exception of line striping, which cannot be accomplished until 7 to 10 days after the acrylic surface has been installed. Mr. Wynn, however, anticipates that the project will not be completed until the second or third week of October.

F. UNFINISHED BUSINESS:

1. Digital Billboard Presentation by Ms. Kelly Barrett of Daktronics – Ms. Kelly Barrett of Daktronics Digital Outdoor, a company who has installed over half of the digital billboards in the US and the UK, was present this evening, at the behest of Ms. Stern-Goldstein, to provide information regarding digital outdoor technology, as was requested by the Board at a previous meeting. Ms. Barrett explained that a digital billboard is a sign that is used for advertising as well as communicating with the public. She advised that Daktronics technology contains settings so that a maximum level of brightness is programmed into the billboard. She acknowledged that there are a few situations throughout the US where municipalities have allowed greater brightness and where the owner of the billboard has chosen to make it brighter or dimmer.

With respect to benefits to the community, Ms. Barrett advised that Daktronics is directly linked with the National Center for Missing and Exploited Children, which permits automatic illumination of an Amber Alert on digital billboards. Daktronics also provides notification for missing person alerts through local and state law enforcement. The firm works with the FBI, the National Security Service, and the National Weather Service to provide instant public emergency notification through digital billboards.

Daktronics has an attorney on staff to assist municipalities with re-writing their Ordinances so that unfavorable digital billboards are not installed within the community. Ms. Barrett explained that the brightness level of digital displays are categorized by the number of NITS (candelas per square foot). The maximum of NITS produced by Daktronics is 7,500 on their specific technology. It would be her recommendation to set a maximum level of brightness for digital billboards as a requirement within the Zoning Ordinance.

With respect to hold times, the Federal Government has approved a 5 second hold time, which means there are five seconds from one content change to the next. Two major studies have been conducted – the Tangella Study and the Virginia Tech Study, both of which found that digital billboards were safe for motorists. A third study is being conducted at the present time by the state of Massachusetts, which has issued 18 digital billboard permits. Ms. Stern-Goldstein felt that the hold time is very critical, and has witnessed hold times of anywhere from 5 seconds, 8 seconds, one minute, up to 24 hours. Ms. Barrett noted that the states of New Jersey and Connecticut have hold times of 8 seconds, while Pennsylvania's hold time is 5 seconds, and New York State's hold time is 24 hours, which was recently dropped to 1 minute.

Supervisor McIlhinney wished to confirm that only static pictures with no moving videos are permitted. Ms. Barrett agreed that was correct, noting that Daktronics digital

technology is literally a slide show, and there is absolutely no option to place a video on Daktronics digital billboards.

Supervisor Salvatore commented that this was a very biased presentation, and she does not believe that Hilltown residents wish to see this type of technology in their community. She travels Rt. 309 through Coopersburg on a daily basis, and has personally witnessed vehicles swerving while obviously trying to read the rapidly changing digital billboard in that location. However, as Solicitor Grabowski has pointed out, there are many businesses and/or community groups within Hilltown with smaller, on-premise digital displays, which Supervisor Salvatore feels are very helpful. Discussion took place concerning the criteria used in the studies that have been conducted.

Chairman Manfredi noted that Hilltown recently passed an Ordinance limiting any billboard, whether static or electronic, to the Commercial Zoning District. He asked if there is data available with respect to limiting the hold time and the number of NITS. Ms. Barrett believes the Board could focus on the level of brightness, hold time, and the amount of time to switch from one advertiser to the next. Since Pennsylvania has a 5 second hold time, Supervisor McIlhinney wondered how local government could supersede a State requirement. It is Ms. Barrett's understanding that if there is a hold time listed within the municipality's Ordinance, it can be required. Solicitor Grabowski does not believe that the 5 second hold time is actual legislation, rather it may simply be a guideline.

Personally, Supervisor Salvatore would be in favor of banning all digital billboards. Chairman Manfredi is not opposed to all digital billboards, as long as the hold time is sufficient, the billboard is virtually static, and the NITS are dim enough as to not be a distraction. Ms. Stern-Goldstein had previously provided a voluminous amount of information from the National Transportation Safety Board, who recommended no less than 5 seconds for a hold time. If forced to adhere to a 5 second hold time, Chairman Manfredi would agree with Supervisor Salvatore that digital billboards should be banned. Supervisor McIlhinney feels that the hold time and the brightness of the NITS are most important. He also noted that the use of digital billboards for community service advertising is certainly worthwhile.

After lengthy discussion, Supervisor Salvatore suggested that Mr. Christman and Solicitor Grabowski to do a bit more investigation and then provide the Board with that additional information to be discussed at an upcoming meeting. Chairman Manfredi concurred.

2. Draft Zoning Officer Enforcement Ordinance – Motion was made by Supervisor Salvatore and seconded by Supervisor McIlhinney to consider the draft

Zoning Officer Enforcement Ordinance Amendment, as addressed in Mr. Christman's memo dated September 16, 2008 and Solicitor Grabowski's memo of the same date, and if agreeable, to forward to the Hilltown Township and Bucks County Planning Commissions for review. Prior to a vote, discussion took place.

Supervisor Salvadore referred to Section 160-83.B(2), which had been revised to state "Such written orders shall be served personally **and**/or by certified mail upon the persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this chapter in accordance with the terms of this chapter, and shall direct the recipient to correct all conditions found in violation." Solicitor Grabowski suggested that the decision to serve the written order personally or by certified mail should be at the discretion of the Zoning Officer. His correspondence suggests the following language could be considered "Such written orders shall be served **by either personal service or by certified mail...**" or the language as originally drafted by Ms. Stern-Goldstein "Such written orders shall be served personally or by certified mail..." could remain.

Supervisor McIlhinney questioned the meaning of the highlighted wording within Section 160-83.B(2), first sentence, which states "Enforce the provisions of this chapter by the issuance of enforcement orders, including cease and desist orders, **or by other means.**" Solicitor Grabowski explained that this language merely provides flexibility for the Zoning Officer with respect to enforcement. For instance, enforcement may mean Board direction to file an injunction with Bucks County Court, or it may be direction to file a complaint with the District Justice.

Supervisor McIlhinney again questioned the language in Section B(3), which states "Where required, applications shall be forwarded to the Planning Commission...." Solicitor Grabowski explained that the key phrase is "**Where Required.**" For instance, the Zoning Officer is required to forward a Conditional Use Application to the Planning Commission when submitted. He reminded the Board that this is a requirement of both the MPC and the Township's Zoning Ordinance.

Chairman Manfredi questioned Solicitor Grabowski recommendation that the appointment of Zoning Officer be done by the Board of Supervisors rather than the Township Manager. He expressed concern with any possible appearance of impropriety that elected officials may be directing or taking actions against the Zoning Officer for reasons that could at some time become political. Solicitor Grabowski advised that the Zoning Officer is a quasi-judicial position, which provides for an independent analysis of the Zoning Ordinance. In his opinion, the appointment of the Zoning Officer is much like that of the Township Engineer, Planner, Building Inspector, or Solicitor. He does not believe it would be legally valid to allow the Township Manager to appoint someone to the position of Zoning Officer. Chairman Manfredi advised that this Board conferred the authority to hire and fire to the Township Manager. Further, the Township Manager

provides supervision to the current Zoning Officer, albeit an independent third party agency, not a full-time employee. Therefore, the Board presently does not direct the Zoning Officer as to what to do, nor do they evaluate his performance. Solicitor Grabowski disagreed, stating that the Board conferred upon the Township Manager a certain designation of power and responsibility in terms of employment law for the Zoning Officer position, however that does not include the Manager's ability to oversee what the Zoning Officer does substantively, because the Zoning Officer is bound by the Zoning Ordinance and the MPC. Lengthy discussion took place.

Motion carried unanimously. There was no public comment.

3. Draft Traditional Neighborhood Development Ordinance – Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to consider the draft Traditional Neighborhood Development Ordinance (dated September 16, 2008), and if there are no significant changes, to authorize forwarding said draft to the Hilltown Township and Bucks County Planning Commissions for recommendation. Prior to a vote, discussion took place concerning the most recent draft Amendment dated September 16, 2008.

Supervisor McIlhinney asked why language referencing impervious surface and building heights on page 8 were struck. Ms. Stern-Goldstein replied that both references were struck according to Mr. Wynn's correspondence since both requirements appear in a chart within the amendment itself.

Ms. Stern-Goldstein advised that the only portion of this draft that the Board had not yet reviewed was the appendix as requested on August 1st. The one thing that was not included was language suggesting that this could be applied in areas that are not currently zoned VC. Ms. Stern-Goldstein explained that it would be difficult to refer to since the Comprehensive Plan has not yet been revised to address it. Further, in accordance with discussions on August 1st, no zoning map changes were proposed. If adopted, Supervisor McIlhinney asked if its use would be precluded since the Comprehensive Plan had not been revised. Solicitor Grabowski explained that the Traditional Neighborhood Development Ordinance could be utilized within the existing VC District. There had been previous discussion about possibly expanding the VC District, by way of a Zoning Map amendment, however that has not occurred. He reminded the Board that the discussion that took place on August 1st is that there be a footnote to this Ordinance, referencing the Comprehensive Plan amendment, which would indicate possible areas of interest the municipality might like to expand the Village Center Zoning District.

Motion carried unanimously. There was no public comment.

Before authorizing the Township Planner to begin an amendment to the Comprehensive Plan, the Board directed the Township Manager to obtain a cost analysis proposal from Ms. Stern Goldstein for consideration during the budget process.

4. Ludlow Trail Easement Status Report – This item was tabled. Supervisor McIlhinney did not feel the information provided in Mr. Wert's September 17, 2008 memo was sufficient to address his questions, noting that the information provided was historical in nature. Mr. McIlhinney intends to meet with Mr. Wert to make his request more clear and succinct.

G. BOARD MEMBER COMMENT:

1. Supervisor McIlhinney was pleased to see that after many years, the Conservation Management Design Ordinance and the companion ERSAP Subdivision/Land Development Ordinance is finally moving forward.

2. Chairman Manfredi commented that it has been a long way from the Land Use Summits where the Conservation Management Design option was initially mentioned, and all of the discussions that have taken place over the last five years relative to it. He is personally gratified that it is being done at this time.

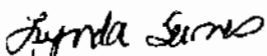
3. Supervisor Salvadore felt that the advantage of having worked on the possible development of the Bennett Tract actually brought the Conservation Management Design option to light for her. Even though the Bennett Tract was not yet developed, she hopes that it is in the future, using this new design option.

H. PUBLIC COMMENT: None.

I. PRESS AND MEDIA – A conference was held to answer questions of those reporters present.

J. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously, the September 22, 2008 Hilltown Township Board of Supervisors meeting was adjourned at 9:45PM.

Respectfully submitted,



Lynda S. Seimes

Admin. Asst. to Township Manager

(*These minutes were transcribed from recordings and should not be considered official until adopted and approved by the Board at a Public Meeting).