

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, August 25, 2008
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:00PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Secretary/Treasurer
Christopher S. Christman, Township Manager
Bill. E. Wert, Asst. Mgr./Dir. of Parks, Recreation and Open Space
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Admin. Asst. to the Township Manager

A. ANNOUNCEMENTS:

1. A Public Hearing has been advertised for 7:30PM this evening to consider the acquisition of Agricultural Preservation Easements for the Ludlow property and the White Chimney Farm property.

2. A Public Hearing has been advertised for Monday, September 8, 2008 at 8:00PM in order to obtain resident's views and proposals for the 2009 Community Development Block Grant funding. The amount of funding available is \$112,200.00 and the general types of eligible activities include: Acquisition of real property, Public facilities or improvements, Removal of architectural barriers to the handicapped, Rehabilitation of public or privately-owned buildings, Historic preservation, Financial assistance to private businesses for economic development, and Preparation of Comprehensive Plans and administrative costs. Please visit our website at www.hilltown.org for examples of permitted uses of funds.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the July 28, 2008 Board of Supervisors Meeting.
- Bills List dated August 12, 2008.
- Solicitor's Report.
- Fire Company Reports for July 2008 – Sellersville and Telford.
- Notification of staff meeting with McGrath Homes.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept and approve the Consent Calendar as written. There was no public comment.

Supervisor Salvadore asked when the Board might expect details on recent ATV complaints as requested at the last meeting. Chief Engelhart believes the report should be complete within the next week.

During previous discussion of White Chimney Farms, Supervisor Salvadore indicated that she had been opposed to approval of the White Chimney Farms Subdivision, a vote that has since been clarified upon research of the meeting minutes.

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

1. Lomax Lot Line Adjustment (Preliminary/Final) – Mr. Charles Lomax, the applicant, was in attendance to present the plan. The lot line adjustment subdivision plan was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of the items as contained within the June 25, 2008 engineering review. Waivers requested by the applicant and contained within Items 1.A and B in the engineering review were also unanimously recommended for approval. Street improvements were recommended to be waived since the lot line adjustment subdivision plan creates no new lots.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Lomax Lot Line Adjustment, pending completion of all outstanding items as contained within the June 25, 2008 engineering review. There was no public comment.

2. U-TH Fitness Land Development (Preliminary) – This land development plan for U-TH Fitness was unanimously recommended for preliminary approval conditional upon completion of items as contained within the August 7, 2008 engineering review. The Planning Commission recommended waivers requested by the applicant as referenced within Item 2 of the engineering review, as follows:

- Item 2.A – Planning Commission unanimously recommended waiver of the six parking area trees within the parking area islands without a requirement for a fee in-lieu-of tree plantings. The applicant has installed additional shrubs within the landscape island rather than trees that would interfere with the light standards at the same location.
- Item 2.B – Planning Commission unanimously recommended a waiver of installation of concrete sidewalk along the frontage of the site

recommending that the Township accept a fee in-lieu-of sidewalk installation for deposit in the Township's Sidewalk/Pedestrian Path Capital Fund.

- Item 2.C – Planning Commission recommends waiver of parking lot curb, noting that the parking lot is designed in accordance with Pennsylvania Stormwater Management Best Management Practices Manual, and providing that the plan is revised to include perimeter wheel stops. At the Planning Commission meeting, the design engineer indicated that the plan would be revised to include wheel stops.
- Item 2.D – The requirement for 18” minimum diameter reinforced concrete pipe was unanimously recommended for waiver approval noting that the revision to the pipe material and minimum diameter is all on-site and is the responsibility of the property owner to maintain.

Mr. Wynn noted that the site is proposed to be serviced by public sanitary sewer provided via extension of existing public sewer facilities owned by Souderton Borough located within the right-of-way of County Line Road at the intersection with Cherry Lane. Under the Act 537 Plan, this site is located within an area proposed for public sewer by Hatfield Township Authority, however they have no facilities near the area. Hatfield Authority has provided correspondence releasing the coverage area to Souderton Borough, who agreed to provide service to the site, and who maintains facilities at the intersection of Cherry Lane and County Line Road. Supervisor McIlhinney asked if the Hilltown Authority has been notified of this proposal. To Mr. Wynn's knowledge, the HTWSA is only aware of it because Mr. Groff, the Authority Manager, sits on the Planning Commission. He advised that HTWSA does not have facilities anywhere near the area. Discussion ensued.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary plan approval to the U-TH Fitness Land Development, pending completion of all outstanding items as noted in the August 7, 2008 engineering review, and with the condition that the Hilltown Township Water and Sewer Authority is officially notified of the applicant's intent for Souderton Borough to provide public sanitary sewer service to the site. There was no public comment.

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

1. Traynor Subdivision (North Penn Builders, Inc.) – Extension Request-
Correspondence has been received from North Penn Builders requesting a one-year extension in the timeframe to complete improvements required pursuant to the subdivision plan and Development/Financial Security Agreements for work to be

performed along Church Road, including erosion and sedimentation control, landscaping, driveway entrance construction, stormsewer and roadside swale construction, and stabilized shoulder/widening. Funds are guaranteed via Abington Bank Letter of Credit No. 366, which is automatically extended annually on May 29th unless the Township is notified in writing by certified mail by Abington Bank. In addition, with correspondence dated July 30, 2008, the Township received verification of the extension in the PennDot Highway Occupancy Permit until May 30, 2009 to complete work along Church Road.

Since dwelling construction has not commenced within the subdivision, Mr. Wynn recommended approval of a one-year extension in the timeframe for completion of improvements noting, however that the extension should be conditioned upon the developer increasing the amount of financial security by ten percent (10%) pursuant to Paragraph 4.E of the Development/Financial Security Agreement dated August 15, 2006. The current balance of the Letter of Credit (\$35,158.89) should be increased by \$3,515.89 by amendment to the Letter of Credit (to total \$38,674.78) or by deposit of cash escrow funds with the Township.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant approval for a one-year extension in the timeframe for completion of improvements to the Traynor (North Penn Builders) Subdivision, as conditioned and noted above. There was no public comment.

2. Civic Park Improvement Status Report – Mr. Wynn explained that the anchor bolts and anchor templates for the light poles have not been delivered. The parts were shipped last Thursday, and once they have been received, work will proceed as scheduled.

***7:30PM – PUBLIC HEARING – Chairman Manfredi adjourned the regularly scheduled August 25, 2008 Hilltown Township Board of Supervisors meeting at 7:30PM in order to enter into an advertised Public Hearing to consider the acquisition of Agricultural Preservation Easements for the Ludlow property and the White Chimney Farm property.** Solicitor Grabowski advised that this Public Hearing was appropriately advertised in the Doylestown Intelligencer this past Friday; the Proof of Publication of which is on file at the Township office.

DISCUSSION REGARDING THE LUDLOW PROPERTY:

The Township received a written offer from Mr. and Mrs. Ludlow for their parcel TMP #15-29-81 located on Rickert Road near its intersection with Quarry Road. This property consists of 36.2474 acres with a proposed purchase price of \$14,500.00 per acre based upon an appraisal that was obtained by the Township. Total purchase price is approximately \$526,000.00 plus closing costs. Solicitor Grabowski noted that there is an

excluded area for the Ludlow homestead consisting of 3+ acres, along with an 8 acre outparcel that is also excluded.

The White Chimney Farm parcel is located at 411 Blue School Road (TMP #15-17-54-1), consists of 37 acres total and is owned by W.B. Homes. The White Chimney Farm Subdivision received prior conditional plan approval from the Township. Atlantis Properties is interested in selling a 34.345 acre Agricultural Preservation Easement to the Township at a cost of \$21,000.00 per acre, for a total amount of \$721,245.00 with closing costs.

In response to inquiries about the accuracy and validity of the original appraisals, which occurred at the last meeting, the staff requested and received an updated appraisal from Mr. Scanzillo of Real Estate Appraisal Services.

Public Comment:

1. Mrs. Judy Greenhalgh of Blooming Glen Road, a resident for several decades who has enjoyed the bucolic landscape of rural Hilltown, feels that the preservation of land is very important, and the agricultural use of it is a great way to preserve that land. Mrs. Greenhalgh has seen several open space parcels dedicated to playfields or park use, which she does not feel benefits all taxpaying citizens. She commented that the beauty of land in an agricultural setting can be a benefit to all and impact the quality of our lives, not to mention the benefit of the agricultural production on the land. Mrs. Greenhalgh noted that using land for parks or play fields requires changing the landscape by moving earth and trees, which impacts the natural flow of water into the aquifers that can also be impacted by impervious surfaces. Using land for parks, play fields or development also impacts the natural and wildlife environment by changing their habitat. Further, Mrs. Greenhalgh stated that parkland and play fields require Township maintenance and can often invite vandalism or even crime. Lighting, if used, impacts our night sky environment as well. When a property is developed, it may bring in tax revenue, however Mrs. Greenhalgh commented that it also impacts the roads with more traffic, the schools and emergency services, the need for more police, and increased responsibilities for the Public Works Department.

Mrs. Greenhalgh cited the existing and future parks in the Township including the Civic Park, Blooming Glen Playground, and the under-construction Forest Road Park, which are utilized by neighboring communities as well, but who are seemingly slow in providing the same types of recreational facilities. She does not believe that any of the

Mrs. Greenhalgh supports purchasing the development rights of the White Chimney and Ludlow Tracts, noting that all residents can benefit from the fine farmland that exists here in Hilltown.

There was no further public comment at this time.

Motion was made by Supervisor Salvadore and seconded by Chairman Manfredi to approve the purchase of the conservation easement for the Ludlow property. Prior to a vote, discussion took place.

SUPERVISOR'S COMMENTS AND DISCUSSION –

With respect to Mrs. Greenhalgh's earlier comments, Supervisor McIlhinney disagreed that parks and/or recreational uses are not as attractive as farming. He explained that farming can actually destroy the land with tilling that changes the course of waterways, moving of ditches, and the removal of trees. While he concedes that farming is a vital part of this Township, it is not "natural." Supervisor McIlhinney does not believe farming is any more or less destructive than the development of land for recreational purposes. Further, he reminded those present that according to page 4, section b. of the proposed purchase agreement, the Ludlow family is under no obligation to continue to farm the land. Supervisor McIlhinney also referred to the easement value as determined by the appraiser in the amount of \$14,500.00 per acre. He does not agree with that value, citing the fact that property values have decreased in the past three years. Further, the Township's past purchases of open space typically cost \$6,000.00 to \$8,000.00 per acre.

To confirm the total of 48.16 acres of the Ludlow property, Supervisor McIlhinney visited the Recorder of Deeds office but was unable to find a recorded plan showing the transfer of 15 acres from Mr. and Mrs. Ludlow to their son in 2006. While there was a recorded deed verifying the transfer, there was no recorded plan confirming such. Mr. Ludlow advised that he and his wife purchased the property in 1994, which consisted of two lots totaling 64+ acres. Originally, one lot was 25 acres in size, which Dublin Borough obtained through condemnation for experimental wells prior to Mr. Ludlow purchasing the tract. Dublin Borough ultimately returned that acreage to the former owner, Mr. Mager, prior to Mr. Ludlow's purchase of the two separate tracts. Mr. Ludlow did a lot line adjustment to provide his son with 15 acres from the original 25-acre parcel. The remaining site now consists of 48.16 acres. Mrs. Ludlow advised that their engineer, Cheryleen Strothers, recorded the plan once the Township had approved it. Discussion occurred. Solicitor Grabowski explained that the survey plan prepared by Cowan Associates was confirmed by Mr. Wynn's office and Cowan also provided the Township with the metes and bounds description of both the property to be encumbered by the easement, and the property to be exempt. While the total figure of 48.16 acres may or may not be accurate, Solicitor Grabowski advised that the figure of 36.2474 acres for the Conservation Easement is accurate, and was confirmed by a title researcher. Lengthy discussion occurred.

Supervisor McIlhinney wondered why the eight-acre parcel closest to Forest Road Park is being excluded. Mr. Ludlow replied that he and his wife wished to retain that parcel in the event that his health problems worsen and they are forced to construct a handicapped accessible dwelling, at which time they would sell the lot containing the existing farmhouse.

Since the tract is located opposite the Forest Road Park and in close proximity to Township property on the Moyer Farm on Rickert Road and Township property on Frontier Road, Supervisor McIlhinney asked if the Ludlow family had considered providing an easement for a walking path along the property line. Supervisor Salvadore suggested that the offer of a walking trail be considered at a later date when Mr. and Mrs. Ludlow had more time to review their options. Supervisor McIlhinney disagreed, suggesting that the Board and the Ludlow's consider modifying the existing agreement language at this time. Supervisor McIlhinney felt that the only way there would be justification for proceeding with this purchase is if a walking trail were provided. Mr. and Mrs. Ludlow advised they would be willing to consider offering a walking path in the future, pending discussions with the Township and with their own counsel.

With respect to the question of value and cost for this acquisition, Chairman Manfredi believes that there will be over \$200,000.00 reimbursement to the Township from Bucks County. He explained that the Township is in the process of preparing an open space analysis, perhaps for a referendum question as to whether or not money should be borrowed for the purchase of additional open space. In Chairman Manfredi's opinion, the work that is being done on the open space analysis will satisfy, in many cases, what needs to be done in order to update the Open Space Plan, as required to become eligible for the \$200,000.00 of County Open Space funding. He is looking to set a threshold for purchase price of \$12,000.00 per acre, even though the Township would be putting up an additional \$2,500.00 per acre in this case, until that funding contribution from the County is forthcoming.

Had the 8.8 acres, which is adjacent to the current Forest Road Park site, been included in the Ludlow property easement, Supervisor McIlhinney advised that this purchase would have been eligible for Bucks County to pay the full \$12,000.00 per acre. He believes that Chairman Manfredi is assuming something that may or may not come to fruition, but in the meantime, the Township would be responsible for the unnecessary cost of \$14,500.00 per acre.

Mr. Christman clarified that the share for Hilltown Township in this round of Bucks County's \$87 million dollar bond issue is actually \$686,000.00, which would be available once the Township's Open Space Plan is updated. The base allocation Chairman Manfredi has been speaking of is indeed \$200,000.00, which can only be revoked if the Township does not update its Open Space Plan. Supervisor McIlhinney asked if there

are any restrictions on the \$686,000.00 of County funding. Mr. Christman explained that there are three types of planning grants available – one is for planning, one can be used for acquisition for fee-simple or conservation easements, and the third can be used for the improvement of parks, purchasing equipment, etc.

Supervisor Salvadore believes that the Township must continue to move forward with the purchase of open space, and commented that the owners of both the Ludlow and the White Chimney Farm property approached the Township about purchasing development rights.

Public Comment:

1. Mrs. Eleanor Cobb was bothered by previous statements that there was no plan for walking trails throughout the Township, since she has a copy of a Bucks County plan for trails. Supervisor Salvadore was not referring to Bucks County's trail plan, rather she had been referring to the fact that the Township's walking trail plan is now 10 years old, and is required to be updated in order for the Township to take advantage of the County's open space funding allocation.

2. Mrs. Marilyn Teed of Mill Road felt the Supervisors' priority should be to use Open Space money wisely. It appears that Supervisor McIlhinney has done his homework and is looking out for the best interest of the taxpayers. Mrs. Teed wondered how many linear feet of walking trail would be required along the frontage of the 8 acres of Ludlow property to connect to the Forest Road Park. She suggested that the Township do whatever is necessary to secure a walking path along the Ludlow property line at this time, so that the site can conform to Bucks County's qualifications for the allotment of open space money. Mrs. Teed supports the purchase of open space and easements, and asked the Board to protect taxpayer's money by taking advantage of Bucks County Open Space funding.

Supervisor McIlhinney urged his fellow Supervisors to pursue County funding in the amount of \$12,000.00 per acre. Then, if the Township wished to contribute the additional \$2,500.00 per acre, it would provide additional time to obtain Mr. and Mrs. Ludlow's consent for a walking trail along the frontage of the 8-acre outparcel.

3. Mrs. Doris Williams of Middle Road supports the purchase of open space, however she feels that the purchase price of \$14,500.00 per acre for the Ludlow property is too expensive, and noted that the proposed purchase price per acre for the White Chimney Farm property is even costlier.

There was no further public

Chairman Manfredi commented that fresh appraisals were obtained for both properties as a result of discussions at the last meeting. He referred to correspondence from the appraiser dated August 11, 2008, which states "The results show that statistically property values in this market area have actually increased in this time period. Also, there was one meaningful land sale in the last year, that when adjusted would be in the same value range using the subject appraisals." Supervisor McIlhinney does not necessarily agree that the exact same appraiser should have been used for the fresh appraisal, and reminded the Board that an appraiser provides nothing more than his opinion of the real estate market.

A vote was taken on the original motion, which was made by Supervisor Salvadore and seconded by Chairman Manfredi to approve the purchase of the Ludlow Conservation Easement of 36.2474 acres at a cost of \$14,500 per acre, for a total easement cost of \$525,587.30 plus closing costs. Supervisors Salvadore and Manfredi were in favor, while Supervisor McIlhinney was opposed. Motion carried: 2:1. There was no further public comment.

DISCUSSION REGARDING THE WHITE CHIMNEY FARM PROPERTY:

Public Comment:

1. Mrs. Eleanor Cobb asked if there had ever been any suit or application for suit to reverse an easement similar to one the Board is considering for the White Chimney property. Supervisor Salvadore has spoken to representatives from Harrisburg as well as representatives from land conservancy organizations, and it is their opinion that there are no lawsuits, and any suits that do come will not stand based upon the agreement. Solicitor Grabowski explained that the Township is not using state funds or county funds, principally, for this project, and it is basically a contract between a property owner and a municipality. The parties, subsequent to signing and recording the easement, could theoretically reverse their action, but to his knowledge that has never occurred. If it were to occur, Mrs. Cobb asked if the monies would then be returned to the Township. Solicitor Grabowski advised that there would be a mutual agreement by both parties as to how to release the property from the easement and what amount of money would be paid back to the Township. Mrs. Cobb expressed concern with the White Chimney Farm property, which is owned by a developer, not by individuals or a family as the Ludlow property was. Mrs. Cobb asked if public access would be available to this property. Solicitor Grabowski replied that public access would be prohibited. Personally, Mrs. Cobb would prefer that the Township utilize open space funding for fee simple purchases to protect that easement in the future.

2. Mr. Joe Marino of Redwing Road referred to Act 153, Section 10, noting that any government body – whether it be county, state or municipal, has the ability to authorize

that a property be taken out of its preservation status for other use. He noted that any governing body could rescind an agreement that was to be in perpetuity.

There was no further public comment at this time.

Motion was made by Supervisor Salvadore, and seconded by Chairman Manfredi to consider preserving the White Chimney Farms property through a Conservation Easement Agreement purchase. Prior to a vote, discussion took place and public comment was heard.

Supervisor Salvadore did not support the previous subdivision proposal for this property, citing its beautiful scenic vistas. Since the site is located adjacent to other preserved properties. Supervisor Salvadore feels it would be a natural fit to preserve the White Chimney Farm conservation easement.

Supervisor McIlhinney referred to an August 14, 2008 newspaper article, which documents Bucks County purchases of conservation easements at approximately \$6,000.00 to \$8,000.00 per acre. The White Chimney property is located adjacent to a property that was put into Bucks County's Open Space Program approximately one year ago, which was purchased from Mr. Rosenberger for \$12,000.00 per acre. Supervisor McIlhinney noted that the Haring property just down the street from this site, was actually appraised at \$11,500.00 per acre, with the state contributing \$6,000.00, the County contributing \$4,000.00, and the Township contributing \$6,000.00. Therefore, it verifies that Hilltown Township has consistently maintained its practice of paying approximately \$6,000.00 to \$8,000.00 for development rights. The parcel next door owned by Mr. Rosenberger, was appraised 1-½ years ago at \$19,500.00 per acre before the easement and at \$8,500.00 per acre after the easement, for a value of \$11,000.00 per acre. Supervisor McIlhinney noted that Mr. Scanzillo also conducted the appraisal for the Rosenberger property,

Supervisor McIlhinney explained that the White Chimney Farm property was approved for development with the understanding that public water and sewer would be extended to the site, thereby solving the problem of failing septic systems and/or dry wells, which is currently being experienced by several surrounding properties. Unlike other area municipalities who refused to extend utilities and infrastructure to rural neighborhoods, Supervisor McIlhinney felt that Hilltown was being proactive and progressive by working with the developer of this parcel to assist with failing septic systems and dry wells, at no cost to the residents. Supervisor McIlhinney was disappointed that this Board would consider cutting off the infrastructure improvement to this area of the Township, a need that in his opinion will only increase in the future when more and more septic systems fail and wells go dry. He reminded the Board that over the past several years, DEP has kept a close eye on the Township's methods for rectifying failing septic

systems, and that the Township had promised to work with developers to solve our sewage problems.

Supervisor McIlhinney advised that various septic systems were previously approved for the White Chimney Farms property, however they are no longer permitted by DEP, which is why this Board agreed to serve the site with public water and sewer. Since that is the case, he does not understand why the property would be appraised based on anything other than farmland, since there are no approvals to go beyond this point. The appraisal lists this property at \$27,500.00 per acre, but the property owner has agreed to a negotiated price of \$21,000.00 per acre.

Supervisor McIlhinney carefully reviewed the appraisal, and chose one of the properties in Richland Township listed as "comparable in sales" to investigate further. He contacted the owner of this 80-acre parcel, which sold for \$2.2 million dollars one year ago. The appraisal also stated that the buildings/improvements on the site were worth \$200,000.00, however the previous property owner informed Supervisor McIlhinney that there was actually \$650,000.00 worth of improvements, including one building housing five apartments, one cottage, and one huge barn. Therefore, Supervisor McIlhinney questions the results and the validity of the appraisal.

Supervisor McIlhinney referred to a memorandum from Bill Wert to the Board dated August 21, 2008, which mentions a "negotiated price" of \$21,000.00 per acre, and asked who negotiated that price with Mr. Bonenberger of W.B. Homes, the owner of White Chimney Farms. Mr. Bonenberger replied that it was not actually "negotiated" rather he agreed to make an offer to the Township that was less than what Chairman Manfredi told him the appraisal amount was. Supervisor McIlhinney wondered what motivated Mr. Bonenberger to sell the rights for \$21,000.00 per acre, rather than \$27,500.00 per acre. Mr. Bonenberger explained that he was told the Township would not consider \$27,500.00 per acre for open space, and noted that there was never a request to negotiate. Rather, if he was willing to consider a lower dollar amount per acre, Mr. Bonenberger was told that he should put forth his best offer for the Board to consider.

Chairman Manfredi explained that he had been approached by Mr. Canavan of WB Homes back in March when the Township was without a Manager, asking if the Township was interested in purchasing conservation easements for White Chimney Farm. Chairman Manfredi then brought the issue to his fellow Board members in Executive Session, at which time an appraisal was authorized by a majority vote, even though Supervisor McIlhinney was opposed.

Supervisor McIlhinney asked what Mr. Bonenberger had originally paid for the property in August of 2005. Mr. Bonenberger stated that the purchase price was \$1.557 million dollar, however he also pointed out that the Agreement of Sale for the property was

executed approximately 30 months prior to the settlement date in order to obtain subdivision approval. At the Board of Assessments, Supervisor McIlhinney discovered that the value of the buildings on the site was approximately \$800,000.00 and the value of the property was approximately \$750,000.00. However, knowing that buildings are rather static while land values fluctuate wildly, Supervisor McIlhinney used the Board of Assessment's static number, which resulted in a value of \$400,000.00 for the buildings on the site. According to the appraisal, the buildings were valued at approximately \$550,000.00. Therefore, to Supervisor McIlhinney's estimation, the land value of the White Chimney Farms property would be \$1 million dollars, which would be further reduced by the 3 acres that would remain with the existing building at its current value.

If the Board was not satisfied with the value as determined by the appraiser, Mr. Bonenberger wondered why they would continue to utilize the same appraiser when obtaining a fresh appraisal or any future appraisals. Further, Mr. Bonenberger recalls that Supervisor McIlhinney previously made a statement that the White Chimney Farms Subdivision had no approvals, which is incorrect since the subdivision had previously been granted conditional preliminary/final approval. He also noted that the site was granted approval from this Board for public water and sewer, and therefore, is no longer considered a "raw piece of farm land." Whether or not the White Chimney property is constructed as a housing development, Mr. Bonenberger does not believe it has much bearing on whether or not public water and sewer is extended to the area. Supervisor McIlhinney disagreed with that characterization. Discussion occurred.

Supervisor Salvadore asked Mr. Bonenberger to clarify a statement he made earlier that this property is not on the market for sale, aside from the offer to sell the Conservation Easement to the Township. Mr. Bonenberger confirmed that statement to be correct.

***9:00PM – Chairman Manfredi called for a five-minute recess. The advertised Public Hearing of the Hilltown Township Board of Supervisors was reconvened at 9:07PM.**

Chairman Manfredi quoted Abraham Lincoln, "I'm rather inclined to silence. And whether that be wise or not, it is at least more unusual nowadays to find a man who can hold his tongue, than to find one who cannot," and stated that he would not respond to the comments previously made by Supervisor McIlhinney.

Chairman Manfredi asked Mr. Christman if he had been the individual who had transmitted the appraisal of this property to W.B. Homes. Mr. Christman confirmed that was correct. When the offer first came from W.B. Homes several years ago for a text amendment to the Zoning Ordinance, which would allow this property to be preserved, Chairman Manfredi supported it. The offer went no further because a question was raised as to whether or not it would be considered a Transfer of Development Rights.

The issue that concerns Chairman Manfredi at this time is the specifics of the appraised value. It is his view that the property was offered, not requested by this Township, by W.B. Homes in the amount of \$21,000.00 per acre. If the Township would retroactively offset the price with funding from Bucks County, Chairman Manfredi noted that the price would be approximately \$17,300.00 per acre to preserve the land that could produce 20 single family dwellings; a scenic property which is virtually surrounded by hundreds of acres of open space. He concurred with Mr. Bonenberger's assessment that public water and sewer could be extended along Blue School Road, whether or not this particular property is developed.

Chairman Manfredi has been wrestling with how to justify voting to acquire an agricultural preservation easement for this property in the amount of \$21,000.00 per acre, even taking into account that the Township's Open Space Plan would be updated, which would allow for County funding to reduce the price to approximately \$17,000.00 per acre. Chairman Manfredi stated that he is not anti-development. He noted that he voted to extend public water and sewer to this site for a number of reasons, one of which is that he would prefer to see public sewer service in that area than AB systems or sandmounds. He explained that he ran for this office on the platform of preserving the rural character and heritage of Hilltown Township, while supporting responsible growth. Chairman Manfredi agrees with Bucks County that the maximum price per acre for open space should be \$12,000.00.

When Supervisor Salvadore did not support the approval of the White Chimney Subdivision in the past it was because she had visited neighbors of the site who expressed opposition to the proposed development. Today, she received several phone calls from residents who encouraged her to vote in favor of the Township's purchase of this agricultural preservation easement. On a personal level, Supervisor Salvadore agrees with the preservation of this property, and as an elected official, she must represent the residents of this municipality. Therefore, unless and until she hears testimony contrary this evening, it will be her vote to preserve the White Chimney Farm property.

Public Comment:

1. Mr. Richard Scholl of Minsi Trail commented that W.B. Homes purchased this property in order to construct homes, and wondered why taxpayers should have to bail out that developer in a difficult real estate market. Mr. Scholl has actually farmed the White Chimney property for a number of years, and noted that the land itself is not worth that much.
2. Mr. Hans Sumpf of 9 Beverly Road has grave concerns with paying this much money per acre. He suggested that W.B. Homes move forward with the housing development as proposed and approved. While he supported the purchase of the Ludlow

casement, Mr. Sumpf does not feel that the taxpayers should have to pay \$21,000.00 per acre for what, in his opinion, is nothing more than a developer bailout.

3. Mr. Joe Marino of Redwing Road stated that Chairman Manfredi continues to refer to \$200,000.00 of County funding, however he noted that if this transaction was done correctly, approximately \$432,000.00 could be expected from the County. Mr. Marino advised that Bucks County has a process in place for preserving land and purchasing development rights, which includes ranking of properties, mandatory appraisals, etc. Unless the Board intends to go through the proper channels to obtain County funding for White Chimney Farm, Mr. Marino asked the Board not to move forward with this purchase. He does not feel that the Township is being prudent or fiscally responsible if they do not actively pursue County funding, and would be a disservice to the taxpayers of Hilltown Township.

Mr. Christman advised that County funding for Hilltown Township was approved through the latest referendum of November of 2007, when 74% of the electorate approved an \$87 million dollar bond issue for open space preservation. He explained that there is a base allocation of \$200,000.00 given to each municipality in Bucks County. That share is then adjusted by total land area and total population, with the net effect being \$686,000.00 available to Hilltown Township. To qualify, Mr. Christman advised that the Township must amend the current Open Space Plan. The total of \$87 million dollars breaks down as follows - \$25 million dollars allocated for agricultural easements, \$26 million dollars allocated for the Municipal Open Space Program run by Kris Kerns, \$11 million dollars allocated for natural resource areas, \$18 million dollars allocated to parks, and \$7 million dollars allocated to the Delaware River program.

For the record, Mr. Bonenberger commented that W.B. Homes is not in need of a bail out. From the very beginning of this process when Mr. Canavan made the initial inquiry to the Township, Mr. Bonenberger made it clear that he was not interested in going through the Bucks County Open Space Land Preservation Program because he did not want to commit that amount of time. If the Board insists that W.B. Homes go through Bucks County's Land Preservation Program, Mr. Bonenberger would be happy to move forward with developing the property with the previously approved subdivision plan, with no hard feelings.

4. Mrs. Marilyn Teed of Mill Road resents the fact that the Board is not following the proper procedures with respect to acquiring open space, and cited what she feels is malfeasance, misfeasance, and nonfeasance by this Board for not taking proper care with taxpayer's money.

5. Mrs. Eleanor Cobb understands that money would be taken from different funds to purchase these open space easements, and wondered if the Board intends to place an

open space referendum question on the November ballot. Chairman Manfredi explained that the money to pay for these two acquisitions would be taken from the Earned Income Tax fund, which is specifically earmarked for open space purchases. The balance in that fund as of today is \$1,070,090.53.

6. If W.B. Homes is not interested in going through the Bucks County Open Space program, Mr. Hans Sumpf of 9 Beverly Road felt that they should be directed to proceed with the housing development on that property.

7. Mr. Joe Marino of Redwing Road stated that the amount of \$686,000.00 is over the term of the Bond Issue. Mr. Christman agreed that the Township must apply for reimbursement for each project and cannot exceed \$686,000.00 for the life of the Bond Issue. Therefore, Mr. Marino commented that the Township would be spending over \$400,000.00 on one property if they pursued County funding.

Mr. Christman explained that there are two separate programs. The program Mr. Marino has repeatedly referred to has \$25 million dollars allocated specifically for Act 319. In the case of White Chimney Farms, if W.B. Homes were interested they would have to go through the approval process with the County. The portion Mr. Christman was speaking of is specifically the Municipal Open Space Program and has no connection to the Act 319 Program. Mr. Marino asked if the \$200,000.00 is for purchasing development rights for open space. Mr. Christman replied that municipalities are entitled to use this funding for one of three options – 1) as a planning tool; 2) for acquisition; or 3) to make improvements to existing parks. Therefore, the Board has the discretion to decide how they want to utilize this funding. Mr. Christman was advised by the County that \$200,000.00 can be obtained retroactively for the purchase of the White Chimney conservation easements. He noted that when a municipality acquires a parcel of open space, 75% of the appraised value is what could be obtained from the County, with the Township providing 25%. In this case, that 25% match would come from the Township's Open Space Fund. Supervisor McIlhinney asked for clarification that the Township would receive 75% of the \$1,243,000.00 for the acquisition of conservation easements of both these properties from the County, roughly totaling \$800,000.00. Mr. Christman replied that there is a maximum of \$686,000.00 available to the Township for whatever projects the Township deems appropriate to seek reimbursement for. If the Township applies, it would receive 75% of the appraised value of the purchases.

Mr. Marino was not convinced that the Township would receive any portion of the money for purchasing development rights at White Chimney from the fund administered by Rich Harvey, and suggested that the Board obtain proof in writing from Bucks County that a reimbursement would indeed occur. Supervisor McIlhinney would like to see that commitment in writing as well. Mr. Marino does not feel that Hilltown taxpayers should

have to pay more than necessary for this purchase simply because Mr. Bonenberger does not wish to participate in the County Open Space Program.

There was no further public comment.

After discussion, motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to continue the Public Hearing to consider the acquisition Agricultural Preservation Easement for the White Chimney Farm property at the September 8, 2008 Board of Supervisors meeting. There was no public comment.

H. UNFINISHED BUSINESS:

1. Consider appointment of members to Blooming Glen Village Study Advisory Committee – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to appoint Mr. Bob Moyer, Mr. Dave Halliday, Mr. Roger Wright, Mrs. Judy Greenhalgh, and Mr. D. Brooke Rush to the Blooming Glen Village Study Advisory Committee. Prior to a vote, discussion took place.

Supervisor McIlhinney asked if it had been made clear to all candidates that zoning and planning would not be the responsibility of this committee. Chairman Manfredi was assured that all candidates were of that understanding.

Motion carried unanimously. There was no public comment.

2. Consider appointment of members to Parks, Recreation and Open Space Citizen's Advisory Committee – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to appoint the following individuals to the newly created Parks, Recreation and Open Space Citizen's Advisory Committee for the staggered terms as specified:

- Mr. Jon Apple – 3 Years and 4 Months
- Mr. Rick Lambrecht – 3 Years and 4 Months
- Mr. Nick Lupinacci – 3 Years and 4 Months
- Mr. Andy Dinsmore – 2 Years and 4 Months
- Ms. Donna Crossen – 2 Years and 4 Months
- Ms. Linda Cherry – 1 Year and 4 Months
- Ms. Mary Ann Hennigan – 1 Year and 4 Months

Prior to a vote, discussion took place and public comment was heard.

Public Comment:

1. Mrs. Eleanor Cobb asked if this is a new committee. Chairman Manfredi replied that it is a new committee, which will consist of several individuals who have served on previous Township boards or committees. Mrs. Cobb asked if positions had been advertised for public application. Supervisor Salvadore and Chairman Manfredi believe that the Board had announced at a public meeting that they were seeking candidates for this committee many, many months ago.

There was no further public comment. Motion carried unanimously.

I. NEW BUSINESS:

1. Consider Bid Award – Bid #2008-3 Paving Project – Bids were opened on Wednesday, August 20, 2008 for paving work on Schoolhouse Road, Steeplebush Drive, Goldenrod Court, Thistle Lane, Brookside Drive, Pleasant Spring Lane, and Yarrow Court from Steeplebush Drive to the new pavement. Bid results are as follows:

James D. Morrissey, Inc.	\$430,535.00
Blooming Glen Contractors, Inc.	\$491,844.00
GoreCon, Inc.	\$492,996.75
Bracalente Construction, Inc.	\$501,672.00

The original bid did not contain an escalator clause. The Township reserves the right to adjust, add and delete work from the bid at any time. The contractor shall be paid per unit price of Superpave Asphalt actually installed. The FY2008 Budget has a total of \$286,000.00 appropriated for road improvement projects. Mr. Buzby, Director of Public Works recommends that Schoolhouse Road be held over until next year to reduce the cost associated with the bid. Minus Schoolhouse Road, the new project total from the lowest bidder would be \$216,940.00. Mr. Christman advised that the remaining balance of \$69,060.00 in the FY2008 Budget would be utilized for minor paving repair projects to stabilize the roads for the winter months. Three options were provided for the Board's consideration:

1. Approve the low bid to cover work outlined above not to exceed \$220,000.00.
2. Reject all bids and re-bid the program with an escalator clause.
3. Reject all bids and hold all road improvement projects until 2009.

If Liquid Fuels funding will be used for this project, Mr. Wynn suggested that Solicitor Grabowski review the bid documents. He explained that there was a recent decision by

PennDot's legal counsel with a mandatory escalator clause that could cost the Township a great deal more than the low bid amount. Discussion took place.

The Board agreed to table the bid award pending review by the Township Solicitor.

J. BOARD MEMBER COMMENT:

1. Supervisor Salvadore has held several meetings with some of the EMS companies. She and Mr. Christman continue to work with Bucks County in the hopes of finalizing all details of EMS service within the next month. Solicitor Grabowski is working on drafting an agreement for the Board's consideration.

2. Chairman Manfredi advised that he suspended most of the normal rules of order and procedure for this evening's meeting, particularly with respect to time limitations on public comment and Supervisor's comment to allow free, thorough public discussion during the advertised Public Hearing.

3. Chairman Manfredi had previously asked the Township Manager to investigate whether or not the use of an athletic stadium is permitted in the RR Zoning District. He would like the Township Solicitor to offer his opinion on this subject as well. Solicitor Grabowski stated that he could provide that response to the Board in Executive Session immediately following this meeting. That being the case, Chairman Manfredi announced that the Board would meet in Executive Session immediately following this meeting.

4. Due to traffic impacts on some potential applications that may be before the Board in the future, Chairman Manfredi asked Mr. Christman to provide the Board with a summary of the benefits and negatives involved with adopting a Traffic Impact Fee Ordinance (Act 209).

5. After individual meetings that Supervisor Salvadore previously held with chiefs of the fire companies, which Chairman Manfredi and Supervisor McIlhinney attended, Chairman Manfredi understands that the Board was then to meet with all seven fire chiefs together. Both Supervisors Salvadore and McIlhinney believed that the meeting Chairman Manfredi is speaking of did take place. Discussion occurred. The Board directed Mr. Christman to ask the fire chiefs if they were still interested in meeting with the Supervisors.

6. Supervisor Salvadore was uncomfortable with asking property owners personal questions about future plans for their land, and asked her fellow Board members to be cautious about doing so as well. Chairman Manfredi agreed. Supervisor McIlhinney concurred, as long as the Board members are free to discuss those issues with

property owners when it comes to open space. Supervisor Salvadore commented that personal property issues should remain personal, and the Board should not be involved in them.

K. PUBLIC COMMENT:

1. Mr. Joe Marino of Redwing Road provided Mr. Wert with contact information for Mr. Doug Sanders for the purpose of inquiring about possibly purchasing an 11.6-acre parcel located on Rt. 113 near Calvary Church for open space. Chairman Manfredi also asked Mr. Wert to contact him for the names of two individuals who recently expressed interest in the Township's open space program.

2. Mr. Richard Scholl of Minsi Trail asked for an estimate of what the taxes would be on one acre of raw land. Discussion occurred. Mr. Christman advised that it would depend on the assessed value as assigned by Bucks County, and noted that there are several variables involved, including whether it was farmland or an approved building lot, the zoning district in which is located, etc.

3. Mrs. Marilyn Teed of Mill Road stated that on two occasions, following the last meeting, and during the recess this evening, Mr. Wally Rosenthal appeared to be very upset with her. Since she has no other dealings with Mr. Rosenthal, Mrs. Teed assumes that he is angry about the Rt. 309 public sewer issue that she has been bringing to the Board's attention. Mrs. Teed heard from a very reliable source that Mr. Rosenthal would have to extend the public sewer line past his office complex and up to his restaurant property. From what she understands, there is no agreement with the other property owners above Mr. Rosenthal's land to extend public sewer all the way up to Mill Road. Mrs. Teed stated that Mr. Tom Cuce' was prevented from improving his property by Township officials. She has heard that much of the property along Rt. 309 near Mill Road is going to be developed as a hotel/motel conference center in the future. If that is the case, Mrs. Teed feels that each property, including Mr. Cuce's should be considered of equal value, and the purchase price should not be based upon improvements on each individual parcel.

On a different subject, Mrs. Teed felt that Chairman Manfredi was attempting to split the permit for the Catholic high school by sectioning off the stadium as a separate use. She cited what she considered similarities between what occurred in the past when she applied for a Nursery permit, yet the permit was split out to a landscaping use by the Zoning Hearing Board, of which Chairman Manfredi was a member at that time. Chairman Manfredi disagreed, stating that the record shows the correct sequence of events.

L. PRESS AND MEDIA TIME: A conference was held to answer questions of those reporters present.

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously, the August 25, 2008 Hilltown Township Board of Supervisors meeting was adjourned at 10:24PM.

Respectfully submitted,


Lynda Seimes

Administrative Assistant to the Township Manager

(*These minutes were transcribed from notes and recordings and are not considered official until approved by the Board of Supervisors at a public meeting).