

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, November 29, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:37PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Supervisor
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lorraine E. Leslie, Township Treasurer

A. ANNOUNCEMENTS:

1. The Board of Supervisors met in Executive Session on November 15, 2007 to discuss legal, real estate, and personnel issues; and also met on November 29, 2007 to discuss legal and personnel matters.

2. Three Public Hearings are scheduled for 8:00PM this evening as follows:

- Place of Worship – Accessory Use Ordinance
- Billboard Ordinance
- Local Services Tax Reenactment Ordinance

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

1. Bills List dated November 30, 2007
2. Solicitor's Report.
3. Bid Awards - #2007-8- Diesel Fuel and #2007-9 – Heating Oil
4. Mylars for Signature: Ken Jan Farms Subdivision

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to accept items 1, 2, and 4 on the Consent Agenda. There was no public comment.

Chairman Manfredi suggested that all bid documents be reviewed by the Township Solicitor prior to being advertised to insure compliance with all regulations. The Supervisors were in agreement.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to award Bid #2007-8 for Diesel Fuel to Farm and Home Oil Company in the amount of \$2.9541 per gallon for 8,000 Gallons of Ultra Low Sulfur Diesel (picked up) and \$3.1341 per gallon for 3,000 Gallons of Ultra Low Sulfur Diesel (delivered); and to award Bid #2007-9 for Heating Oil to Farm and Home Oil Company in the amount of \$2.9241 per gallon for 14,000 Gallons of Heating Oil. There was no public comment.

D. LEGAL – Mr. Francis X. Grabowski, Township Solicitor –

1. Wynnefield Estates Internal Road Dedication – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept the Subdivision/Land Development Agreement for Wynnefield Estates; and to **adopt Resolution #2007-29 to accept the Deed of Dedication of internal roadways for the Wynnefield Estates Subdivision**, and to **adopt Resolution #2007-30 to accept the Declaration of Public Purpose of internal roadways for the Wynnefield Estates Subdivision**. There was no public comment.

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

1. Mazurek Subdivision (Preliminary/Final) – This minor subdivision located on Fairhill Road was unanimously recommended for preliminary and final approval by the Planning Commission subject to completion of all items contained in the November 7, 2007 engineering review, with the following noted:

- Waivers requested by the applicant and referenced in Item #2 of the engineering review were unanimously recommended for approval by the PC subject to the receipt of a fee in-lieu-of street improvements (Item 2.B) and receipt of a stormwater management exemption fee for Lot #1 for the waiver requested under Item 2.C.
- As referenced in Item 10 of the review, fee in-lieu-of dedication of recreation land is recommended by the Planning Commission for this subdivision. Pursuant to Township Resolution, the fee in-lieu-of recreation land for one new building lot is \$1,962.00.

Mr. Paul Dietz, the applicant's engineer, and Mr. Tim Browning, the applicant's realtor, were in attendance to present the plan. Mr. Dietz advised that Mr. and Mrs. Mazurek are both retired and on a fixed income. Additionally, Mrs. Mazurek is currently ill in the hospital. They would like to request a waiver of the required fees in-lieu-of stormwater, street improvements, and recreation land due to these hardships. Mr. Browning explained that the applicant's intention for subdivision was to create additional income.

Mr. Wynn advised that stormwater management fees are determined by the amount of square feet of impervious surface of the lot, noting that the requirement is \$500.00 for the first 2,000 sq. ft., and then \$.50 per sq. ft. after 2,000 sq. ft. Mr. Dietz anticipates that the cost of required road improvements would be approximately \$20,000.00. The estimated cost of all required improvements is approximately \$29,000.00.

Personally, Supervisor McIlhinney is not willing to waive the entire amount, but would consider a partial waiver of fees in-lieu-of, perhaps a total of \$15,000.00 to be paid at the time of sale of the new lot. Supervisor Salvadore agreed, noting that she is not in favor of waiving the entire amount, and would be agreeable to delaying the payment of partial fees. Chairman Manfredi commented that if fees for street improvements and stormwater management were to be waived, the cost of those improvements specific to that subdivision site would then become the burden of the remaining taxpayers. He would, however be willing to delay the imposition of the fees until completion of the project or sale of the property. Supervisor Salvadore would consider waiving the fee in-lieu-of dedication of recreation land, which has been done in the past. Lengthy discussion took occurred.

Public Comment:

1. Mrs. Nancy Boice of Mill Road recalls that there had been waivers granted in the past for other subdivisions, if the applicant was willing to deed restrict the lot from further subdivision. With respect to the recreation fee in-lieu-of, Mrs. Boice reminded the Board that a new family would be moving into that dwelling whose children would most certainly be taking advantage of the Township's recreational facilities. While Mrs. Boice acknowledged the applicant's circumstances, she feels that they should follow the existing laws of the Township.
2. Mr. Wally Rosenthal of Rosie Lane suggested that the fees in-lieu-of be considered on a sliding scale or percentage based upon the final sale price of property.
3. Ms. Cheryleen Strothers, an engineer who represents other municipalities who has discovered that if a fee in-lieu-of is waived, the municipality then loses its opportunity to ask for anything later on, specifically for curb and sidewalk improvements. This is why Ms. Strothers would often make the request as a deferral, which is then added to the property deed. To Mr. Wynn's knowledge, Hilltown Township has never assessed anyone for curb and sidewalk, unlike what often occurs in a borough.
4. Mr. Joe Marino of Redwing Road felt that half of the stormwater management and street improvements fees in-lieu-of should be required, however he does not feel that the recreation fee in-lieu-of should be waived.

There was no further comment.

*8:20PM – The Board entered into Executive Session at 8:20PM to discuss a legal issue with the Township Solicitor. The November 29, 2007 Board of Supervisors meeting was reconvened at 8:27PM.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhimey, and carried unanimously to table the Mazurek Subdivision Waiver Request, pending receipt of additional information including the true cost of specific road improvements, etc. for this proposed subdivision. There was no public comment.

2. Recognition of Donations for Preemption Devices – Upon recommendation by the Fire Prevention Bureau, the Township installed a preemption device at the traffic signal at the McDonalds/Burger King intersection. Since that time, Supervisor Salvadore discovered that the police vehicles were not equipped with emitters in order to utilize those preemption devices. Chief Engelhart explained that the preemption devices allow emergency vehicles to proceed through an intersection unimpeded by stopping opposing traffic. Through generous donations from several Hilltown residents and members of the business community, the Township was able to outfit all eight police vehicles with the proper emitters to be compatible with the preemption devices found on traffic signals throughout the community.

The Board of Supervisors recognized the following individuals for their generous donations toward the purchase of preemption emitters – Peruzzi Toyota, Mr. and Mrs. Henry Rosenberger, Mr. and Mrs. Jones of Solar Atmospheres, Hilltown Township Water and Sewer Authority, two anonymous residents, the Hilltown Police Benevolent Association, and Mr. and Mrs. Wally Rosenthal.

Mr. Rosenthal commented that he and his wife were pleased and proud to participate in this very worthy cause, noting that members of the police and fire departments risk their lives every single day for the residents of this community.

On behalf of the Hilltown Water and Sewer Authority, Mr. Jim Groff, Authority Manager, stated that HTWSA was pleased to be able to provide a donation for this very worthwhile cause.

The Board directed that letters of appreciation be sent to all who donated.

3. Gane Subdivision (Preliminary/Final) – The minor subdivision located on Callowhill Road was unanimously recommended for preliminary/final approval subject to completion of all items as contained within the November 5, 2007 engineering review with the following noted:

- Waivers requested by the applicant and referenced in Items 2.A and 2.B of the engineering review were unanimously recommended for approval subject to receipt of a capital contribution in-lieu-of street improvements referenced in Item 2.B.
- The applicant agrees and will install street trees along the frontage of the site where mature trees were removed to improve sight distance required for the driveway and as referenced in Item 3.A of the review.

Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan.

Supervisor McIlhinney asked the status of the drainage issues along Callowhill Road. Mr. Wynn explained that the Ordinance requires cartway widening, installation of curb and sidewalk. If stormsewer installation is required, Mr. Wynn feels it would only aggravate the downstream drainage issues. Ms. Strothers advised that the driveway access on Callowhill Road is within approximately 30 ft. to 40 ft. of the high point of the road, and as such, there would be very little stormwater drainage into the swale where the improvements will be installed. The applicant intends to install stormwater management features to limit the increase to pre-development levels, with no increase in stormwater runoff anticipated.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final approval to the Gane Subdivision, pending completion of all outstanding items as noted in the November 5, 2007 engineering review, and with the fees in-lieu-of to be determined at a later date. There was no public comment.

4. Pondview Estates Subdivision – The Planning Commission unanimously recommended denial of the Pondview Estates Subdivision final plan due to non-compliance with conditions of preliminary plan approval granted by the Board of Supervisors on January 26, 2004 and items referenced in the engineering review dated April 15, 2004 of the final plan. No additional plan revisions or documents have been submitted to support this application since the April 15, 2004 engineering review. Additionally, correspondence dated July 24, 2007 advised the applicant of potential action by the Board of Supervisors on the current plan unless revised plans were submitted by October 2007.

Motion was made by Supervisor Salvadore, seconded by Supervisor, and carried unanimously to deny the Pondview Estates Subdivision final plan, due to non-compliance with conditions of preliminary plan approval granted by the Board of Supervisors on January 26, 2004, as well as items referenced in the engineering review dated April 15, 2004 of the final plan. There was no public comment.

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

1. Car Sense Land Development – Correspondence was received dated November 15, 2007 requesting a waiver of land development for a proposed addition to the Car Sense facility located at 2801 Bethlehem Pike. The site was developed several years ago in conformance to a land development plan approved by the Township. Stormwater management for the land development included a future addition, which is now proposed for construction.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to grant waiver of land development submission and issuance of a zoning/building permit to Car Sense, subject to compliance with all other applicable zoning/building code regulations. There was no public comment.

2. Brittany Estates Subdivision – Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to accept completion of the maintenance period for the Brittany Estates Subdivision, while retaining cash escrow funds in order to guarantee satisfactory germination of seeding, which was not accomplished until late October 2007. There was no public comment.

3. Guidi Homes – Motion was made by Supervisor Salvadore to grant approval of the one-year extension until November 21, 2008 to Guidi Homes for the White Oaks Farm Subdivision, due to the number of dwellings remaining to be constructed within the development, and also noting that many of the improvements remaining to be completed, especially the wearing course paving, cannot be accomplished at this time due to the winter weather conditions.

Prior to seconding the motion, Supervisor McIlhinney announced that he previously sold the land to Guidi Homes for this subdivision, however he no longer has a financial interest in the property. Motion seconded by Supervisor McIlhinney, and carried unanimously. There was no public comment.

4. Chairman Manfredi asked the status of the Conservation Design Option Ordinance Revision. Mr. Wynn believes that issue was tabled by the Board back in July, however he will look into the matter.

G. OLD BUSINESS: None.

H. NEW BUSINESS:

1. Foreign Fire Insurance Distribution – Prior to a vote, discussion took place and public comment was heard.

Public Comment:

1. Mr. John Gillespie, chief of the Silverdale Fire Company, requested that the Board establish a specific formula for distribution of the Foreign Fire Insurance monies, based upon assessed value and population as part of the formula criteria.

It was noted that this past spring, the Board of Supervisors distributed funds using a formula based upon 50% coverage area and 50% actual appraised values, which they believe was fair and equitable. Mr. Gillespie agreed that it was a fair distribution, and hopes that a similar formula will be used for the Foreign Fire Insurance funds.

There was no further public comment.

The proposed Foreign Fire Insurance distribution for 2007 is as follows:

Dublin Fire Company	\$23,024.00
Hilltown Fire Company	\$36,559.00
Perkasie Fire Company	\$ 4,047.00
Sellersville Fire Company	\$ 8,227.00
Silverdale Fire Company	\$42,995.00
Souderton Fire Company	\$10,217.00
Telford Fire Company	\$ 7,630.00

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve the Foreign Fire Insurance Distribution for 2007 as noted above. There was no public comment.

***9:01PM – Chairman Manfredi recessed the regularly scheduled meeting of the Hilltown Township Board of Supervisors to enter into an advertised Public Hearing to consider the adoption of three Ordinances – Place of Worship-Accessory Use Ordinance, Billboard Ordinance, and Local Services Tax Reenactment Ordinance.**

1. Place of Worship – Accessory Use Ordinance – Solicitor Grabowski advised that this Ordinance was advertised in the Doylestown Intelligencer on October 31st and November 7th; and was reviewed by both the Hilltown and Bucks County Planning Commissions. Several minor typographical errors as noted by the BCPC have been corrected, and were not considered significant by Solicitor Grabowski. The proposed Ordinance was available for public inspection at the Bucks County Law Library, the Daily Intelligencer, and the Hilltown Township office.

An Ordinance amending provisions of Chapter 160, Section 160-23.1, to include (20) I 20 Place of Worship – Accessory Uses, to include internet cafes, coffehouse, tearoom,

religious bookstore, retail sale of religious items, and media sales center; while subject to additional conditions and restrictions as noted.

Public Comment: None.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2007-16, Place of Worship – Accessory Use Ordinance.** There was no public comment.

2. Billboard Ordinance – Solicitor Grabowski explained that this proposed Ordinance would prohibit billboards being located in the PC-2 or Quarry Zoning Districts. The Ordinance was appropriately advertised in the Doylestown Intelligencer on October 31st and November 7th, and was reviewed by the Bucks County and Hilltown Planning Commissions. The proposed Ordinance was also filed with the Bucks County Law Library, and has been available for public inspection at the Daily Intelligencer and Hilltown Township office, as well.

An Ordinance amending provisions of Chapter 160, Section 160-81 – Billboards, to permit billboards by Special Exception only, in the PC-1 HI and LI Districts, subject to certain criteria, and to prohibit their use in the PC-2 or Quarry Zoning District.

Public Comment: None.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2007-17, Billboard Ordinance as noted above.** There was no public comment.

Supervisor Salvadore thoroughly agreed with the recommendation by the Hilltown Planning Commission that the Sign portion of the Zoning Ordinance should be thoroughly reviewed.

3. Local Services Tax Reenactment Ordinance -- Solicitor Grabowski explained that this proposed Ordinance is to reenact the existing Emergency and Municipal Services Tax because this past summer, the Pennsylvania State Legislature created certain revisions such as the name of the tax, and provided for the ongoing withholding requirement. The Legislature further stated that any municipality who adopted the former Emergency and Municipal Services Tax after the year 2004 had to readopt the Ordinance. The proposed Ordinance was advertised in the Daily Intelligencer on November 5, 12, and 19, as required under the Local Tax Enabling Act. In addition, a copy of the Ordinance was filed with the Bucks County Law Library, and has been on file for public inspection here at the Township office.

An Ordinance revising Chapter 143, Article IV (Emergency and Municipal Services Tax) for the purpose of repealing the Emergency and Municipal Services Tax and enacting the Local Services Tax of \$52.00 for individuals from employment within Hilltown Township, providing definitions of said tax, providing exemptions from the tax, establishing collection procedures and establishing penalties for violation of these regulations.

Chairman Manfredi asked if any additional action will be required to designate a person, public employee or private agency designated by the political subdivision to collect and administer the tax, as referred to in Section 143-31. Solicitor Grabowski advised that Mrs. Leslie will simply provide a copy of the adopted Ordinance to Berkheimer Associates, and that no further appointment is necessary.

Supervisor Salvadore questioned language in the Ordinance, which states in part ".....enacting the Local Services Tax of Fifty-Two Dollars (\$52) for individuals **from** employment within the Township of Hilltown, providing...." Solicitor Grabowski explained that the Ordinance language is taken directly from the sample Ordinance from DCED, and should not be revised.

Public Comment: None.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2007-18, Local Services Tax Reenactment Ordinance**. There was no public comment.

***9:11PM – The advertised Public Hearing was adjourned at 9:11PM and the regular meeting of the Hilltown Township Board of Supervisors of November 29, 2007 was immediately reconvened.**

I. SUPERVISOR'S COMMENTS:

1. Chairman Manfredi asked if it was still the intention of the Board of Supervisors to attend a breakfast meeting with the seven fire chiefs who service Hilltown Township, as was normally done every December when a Manager was in place. Supervisors Salvadore and McIlhinney agreed that should occur. The scheduled date is December 7th.

J. PUBLIC COMMENT:

1. Mrs. Nancy Boice asked if the proposed Resolutions for internal road dedication for Arbour Green were adopted. Solicitor Grabowski explained that those

Board of Supervisors

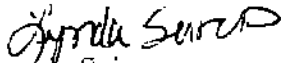
November 29, 2007

Resolutions were adopted earlier in the meeting for the Wynnefield Estates Internal Road Dedication.

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

L. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously, the Hilltown Township Board of Supervisors meeting of November 29, 2007 was adjourned at 9:13PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

(*These minutes were transcribed from recordings taken by Mrs. Lorraine E. Leslie, Township Treasurer and are not considered official until approved by the Board of Supervisors at a public meeting).