

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 25, 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. Salvatore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board met in Executive Session on June 20, 2007 to discuss personnel issues, employment matters, and Real Estate issues.

2. A Public Hearing will be held at 8:00PM this evening in order to consider the possible adoption of the following Ordinances:

- Age-Qualified Residential Community Ordinance
- Accessory Family Residential Ordinance
- Farmstead Ordinance
- Barn Ordinance
- Impervious Surface Ordinance
- Trades Business Ordinance

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

1. Minutes of the May 31, 2007 Supervisor's Meeting
2. Bills List dated June 26, 2007
3. Mylars for Signature – Reckner Lot Line Adjustment and Harrison/Rosenthal Lot Line Adjustment
4. Solicitor's Report.
5. Notification of staff meeting with Township Engineer/Traffic Engineer and developer to discuss traffic issues with planned expansion of Hilltown Crossings Shopping Center.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept the Consent Agenda items as listed above, with the exception of #5. There was no public comment.

Chairman Manfredi asked that the Board of Supervisors be notified of the date and time of the meeting with representatives of Hilltown Crossings Shopping Center expansion.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept #5 of the Consent Agenda listing, as noted above. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. LEGAL – None.

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

1. McElhaney Subdivision (Minor) – The applicants and their engineer were in attendance to present the plan. This two lot subdivision located on Redwing Road was unanimously recommended by the Planning Commission for conditional preliminary/final plan approval, based upon conditions as noted in Mr. Wynn's engineering review dated June 11, 2007. Outstanding plan requirements are all "will comply" items as indicated by the applicant's design engineer. With respect to waivers of street improvements, correspondence from the applicant dated June 11, 2007 was discussed. The applicant is additionally requesting a waiver of any capital contribution for street improvements along the frontage of the site, and requesting that the Board permit a fee in-lieu-of stormwater management for the existing impervious surface on Lot #1 in the amount of \$500.00. In addition to the waiver/fee in-lieu-of, the applicant has agreed to pay the cost to install speed limit signs (25 MPH) on Redwing Road, and contribute \$1,962.00 as a fee in-lieu-of recreation land for the proposed building lot.

Supervisor McIlhinney asked the applicant to consider deed restricting the rear 175 ft. portion of both lots from any building construction in an effort to retain the rural nature of the area. Mrs. McElhaney is hesitant to agree to that request for Lot #2 because her neighbors, Mr. and Mrs. Wasserman, expressed interest in purchasing the new lot for use as a back yard. However, Mrs. McElhaney would be agreeable to the deed restriction on her existing Lot #1. Lengthy discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked for clarification of Mr. Wynn's comment regarding consolidation of parcels. Mr. Wynn explained that if the neighbors were to

use the new lot in conjunction with their existing property, they could not construct a dwelling on it. Further, unless they consolidated the two lots into one deed, Mr. Wynn does not believe that there would not be enough property to construct a barn.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the McElhaney Subdivision pending completion of all outstanding items as noted in the reviews dated June 11, 2007 and June 20, 2007; and upon the following additional items being accepted and accomplished by the applicant:

- A waiver of Section 140-27.B(11) of the SALDO that requires that residential lot depth shall not be less than one nor more than three times the lot width is approved for Lot #2, which exceeds the maximum depth to width ratio of three.
- Waivers are granted from Section 140-29.D, 140-35, 140-36, and 140-48 of the SALDO, which requires cartway overlay, cartway widening, curb, sidewalks, and streetlights to be installed along the frontage of the site.
- A waiver is granted from Section 305.C of the Stormwater Management Ordinance, which requires that existing manmade impervious surface be considered as meadow for the purposes of developing pre-development runoff calculations. The waiver is approved for existing improvements on Lot #1 conditional upon the applicant making a payment to the Township Stormwater Management Fund in the amount of \$500.00.
- Sight distance at the proposed driveway access for Lot #2 is based upon a posted speed limit of 25 MPH on Redwing Road. Redwing Road will be posted at 25 MPH by the Township conditional upon the applicant paying the cost for PennDot approved breakaway posts and signage material, and installation by the Public Works Department.
- In accordance with Section 140-63 of the SALDO, the Township will accept a fee in-lieu-of recreation land for the proposed building lot in the amount of \$1,962.00 to be deposited by the applicant with the Township prior to plan recordation.

There was no further public comment.

***8:05PM – Chairman Manfredi recessed the regular meeting of the Hilltown Township Board of Supervisors to enter into an advertised Public Hearing to consider the adoption of the following Ordinances – 1) Age-Qualified Residential**

Community Ordinance; 2) Accessory Family Residential Ordinance; 3) Farmstead Ordinance; 4) Barn Ordinance; 5) Impervious Surface Ordinance; and 6) Trades Business Ordinance. Solicitor Grabowski advised that this evening's Public Hearing was appropriately advertised on June 11th and June 18th in the Doylestown Intelligencer. Reviews of each proposed Ordinance from the Bucks County Planning Commission and Hilltown Planning Commission were considered.

Solicitor Grabowski noted that the proposed Age-Qualified Residential Community Ordinance was advertised separately on June 11th and June 18th in the Doylestown Intelligencer. Further, since this is a proposed zoning change, pursuant to the Zoning Ordinance and the Municipalities Planning Code requirements, the five separate tax map parcels in question were posted by the Hilltown Township Zoning Officer on June 12, 2007. The Bucks County Planning Commission review and the Hilltown Township Planning Commission reviews for this proposed Ordinance were considered as well.

1) Age-Qualified Residential Community Ordinance – An Ordinance of the Hilltown Township Board of Supervisors amending Chapter 160 of the Code of Hilltown Township by adding a new Zoning District entitled "AQRC – Age-Qualified Residential Community District;" providing use, area and design regulations, individual lot area and bulk requirements and general requirements governing the AQRC – Age Qualified Residential Community District.

Chairman Manfredi expressed concern with access to the site, which in his opinion should be to arterial roads, not to a road such as Minsi Trail. At the time of initial discussion of this proposed Ordinance, Chairman Manfredi recalls that the Board had agreed to simultaneously consider an Ordinance revision that would accommodate that. Supervisor McIlhinney disagreed, and recalled that the Board agreed to further discussion once the land development process for an age-qualified community was instituted. Chairman Manfredi asked if the Board would have the ability at the time of land development submission to restrict access to an arterial roadway versus Minsi Trail. Solicitor Grabowski advised that the ingress/egress issue would entail an amendment to the SALDO. If the Public Hearing for the proposed amendment is advertised or held prior to the filing of a land development plan, the Board would then have the ability to limit the roadway access.

Supervisor Salvadore recalls that Mr. Wynn had previously provided correspondence to the Board of Supervisors dated April 12, 2007 outlining the potential to restrict access from a large residential development to a local roadway, which the Board has not yet acted upon. She wondered if it would be possible for the Township to designate a major access point onto Rt. 313, with a minor access point onto Minsi Trail. Lengthy discussion occurred.

Chairman Manfredi asked Mr. Tom Hecker, legal counsel for McGrath Homes, if the applicant would consider designating Rt. 313 as the primary access to the development with Minsi Trail as the secondary access. Mr. Hecker replied that the plan submitted with the Rezoning Request Application anticipated access both from Rt. 313 and Minsi Trail, however he is not certain that major/minor access designations were considered. The applicant anticipates several months' worth of engineering before a preliminary plan is submitted. How the applicant treats access and other improvements that might be required in connection with the access road, are issues that will be discussed and negotiated during the land development process.

If the Supervisors vote to adopt this Ordinance this evening, Chairman Manfredi asked if the applicant would be willing to immediately meet with the Township Engineer, Solicitor, and Traffic Engineer at the applicant's expense, in order to determine the best and safest site access points. Mr. Hecker assured the Board that McGrath Homes would commit to that without hesitation.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to **adopt Ordinance #2007-6, the Age-Qualified Residential Community Ordinance.** Prior to a vote, public comment was taken.

Chairman Manfredi suggested that a condition of the Ordinance approval be that the meeting with the applicant as previously discussed occurs. Solicitor Grabowski counseled that a condition for a future meeting could not be imposed on the adoption of an Ordinance according to the MPC.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 is not certain how the Township could designate and enforce a major access point and a minor access point to the site. Mrs. Bolger wondered if a traffic signal is proposed with this development.
2. Ms. Sandy Williamson of Mill Road felt that the re-zoning of specific tax map parcels was a matter to be determined by the Zoning Hearing Board, and believes that the adoption of this Ordinance would be considered spot zoning.
3. Mr. Gary Browne of RT Environmental Services, representing Mr. and Mrs. Larry Owen, presented correspondence to the Board outlining his clients opposition to the adoption of this Ordinance. In his opinion, this Ordinance clearly constitutes preferential spot zoning.

Motion carried unanimously. There was no further public comment.

2) Accessory Family Residential Ordinance – An Ordinance amending provisions of the Code of Ordinances, Chapter 160, Section 160-23.I.(2)(b), Residential Accessory Structures and Uses, Accessory Family Apartments.

Public Comment: None.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2007-7, Accessory Family Residence Ordinance**. There was no public comment.

3) Farmstead Ordinance –An Ordinance of the Hilltown Township Board of Supervisors amending Chapter 160, Zoning Ordinance, to revise Section 160-23.A(I) Agricultural and Horticultural Uses and Section 160-23.A.(8) Farm Unit.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhimcey, to **adopt Ordinance #2007-8, the Farmstead Ordinance**. Prior to a vote, public comment was heard.

Supervisor Salvadore noted a typographical error on page 2, Table of Use Regulations, under CR-2, which should be changed to “N” instead of “Y.”

Public Comment:

1. Ms. Sandy Williamson of Mill Road questioned the requirement that all agricultural buildings which may be used in the future for the keeping or raising of livestock, horses, fur-bearing animals or poultry shall be located at least 100 feet from any side or rear property boundary. Chairman Manfredi explained that existing structures located within 100 ft. of a property boundary would be grandfathered.

Motion carried unanimously. There was no further public comment.

4) Barn Ordinance – An Ordinance of the Hilltown Township Board of Supervisors amending Chapter 160, Zoning Ordinance, to add Section 160-23I(19) additional Use Opportunities for Barns.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to **adopt Ordinance #2007-9, Barn Ordinance**. Prior to a vote, public comment was heard.

Public Comment:

1. Mr. Joe Miketta expressed concern that a future Board of Supervisors may require mandatory preservation of existing barns, which would be a very expensive proposition. He presented correspondence outlining his concerns for the Board's review. Mr. Miketta would gladly support this Ordinance as long as the repair and re-use of barns remains voluntary for current and future owners of these structures.

Motion carried unanimously. There was no further public comment.

5) Impervious Surface Ordinance – An Ordinance of the Hilltown Township Board of Supervisors amending Chapter 160 of the Code of Hilltown Township, Table of Performance Standards, to increase the maximum Impervious Surface Ratio permitted for Single-Family Dwelling Lots within the Rural Residential Zoning District.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to **adopt Ordinance #2007-10, Impervious Surface Ordinance**. Prior to a vote, public comment was heard.

Public Comment:

1. Mr. Wally Rosenthal of Rosie Lane requested a synopsis of the proposed Ordinance and how it would impact residential and commercial properties. Mr. Wynn explained that it would increase the maximum impervious surface ratio on a new lot at the time of the initial dwelling construction from 9% to 12% for a B-1 Use. After a Use and Occupancy Permit is issued, it would then allow an increase to 15% for the homeowner to install a swimming pool, garage, patio, etc.

Motion carried unanimously. There was no further public comment.

6) Trades Business Ordinance – An ordinance of the Hilltown Township Board of Supervisors amending Chapter 160, Zoning Ordinance, to add Section 160-23.I.(18), Trades Business.

Motion was made by Supervisor Salvadore and seconded by Supervisor McIlhinney to **adopt Ordinance #2007-11 – Trades Business Ordinance**. Prior to a vote, public comment was heard.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road suggested that the previously adopted Barn Ordinance be sent to residents who own barns, which may encourage them to preserve the barns for additional uses.
2. Mrs. Nancy Boice of Mill Road referred to the Table of Use Regulations on page 2, and questioned what the letter "C" stands for under RR and CR-2. Chairman Manfredi replied that the letter "C" refers to Conditional, but that normally it is listed as "CU" for Conditional Use. That correction will be made.

Motion carried unanimously. There was no further public comment.

***9:00PM – Chairman Manfredi adjourned the advertised Public Hearing and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of June 25, 2007.**

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

1. Wynnefield Estates Subdivision – Extension – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to approve the request for an extension for completion of improvements in the Wynnefield Estates Subdivision until August 31, 2007. There was no public comment.

2. Harry Kratz Subdivision – Completion – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept completion of improvements and commencement of the 18-month maintenance period for the Harry Kratz Subdivision, including erosion and sedimentation control, stormwater management, and construction of the shared driveway. There was no public comment.

H. OLD BUSINESS:

1. Reconsider Fire Tax Distribution for 2007 – Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore to accept the new formula for Fire Tax Distribution as calculated by the Township Manager. Prior to a vote, discussion took place and public comment was heard.

The Board had previously directed Mr. Bennington to calculate a formula for Fire Tax distribution, which is based upon land and building assessments and the proportionate share covered by each fire company. After discussions with the Fire Prevention Bureau, the Board decided to wait until the DCED Report had been received prior to making a decision on the distribution formula. Based on the newly created formula, some of the

fire companies would see a reduction in funding, while others would see an increase in funding.

Chairman Manfredi felt it was incumbent upon the Supervisors to work with the fire companies, especially those that would be losing funding, perhaps with the assistance of a professional advisor, to study and fully understand each fire company's issues and circumstances. Supervisor Salvadore echoed those sentiments, and does not believe that any of the seven fire chiefs disagreed with the distribution formula as prepared by Mr. Bennington. Rather, the major issue in question seemed to be the coverage areas.

Chairman Manfredi suggested that the Board of Supervisors meet privately with each individual fire company, where they would have the opportunity to convey their specific concerns with respect to human resources and financial needs.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 was confused by the motion to adopt the new distribution formula, prior to continuing the study of the needs of the fire companies. Chairman Manfredi explained that over the years, the fire companies received a fire tax distribution based on an antiquated distribution formula. That formula has now been updated using assessed values to determine a fair distribution. Based on that assessment, the Hilltown Fire Company in particular, expressed concern with the possibility of losing \$8,000.00 to \$12,000.00, and asked that the Board consider not only assessments, but the level of service provided to the residents as well. The Supervisors then agreed to wait until the DCED Fire Report was received, which unfortunately did not necessarily answer the questions the Board had hoped for with respect to the fire tax distribution.

2. Mrs. Marilyn Teed of Mill Road does not recall fundraisers being held by the Hilltown Fire Company, and cited fundraisers such as carnivals, breakfasts, dinners, etc. which are routinely held by other fire companies in the area. She noted that the Hilltown Fire Company really does not have the facilities to hold fundraisers or other Township events. Mrs. Teed suggested that the Supervisors make it a priority to support fire company fundraising throughout the Township.

Motion carried unanimously. There was no further public comment.

I. NEW BUSINESS:

1. Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint the Township Treasurer as Chief Administrative Officer of the Non-Uniform and Police Pension Plans. There was no public comment.

2. Chairman Manfredi suggested that the Board consider the draft Ordinance that Mr. Wynn put forward addressing ingress and egress onto arterial roads at the next Worksession meeting. Supervisors McIlhinney and Salvadore were agreeable. Further, the Board directed Mr. Wynn to schedule a meeting with Mr. Hecker and representatives of McGrath Homes immediately, as discussed previously during the meeting.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore received a request from an Eagle Scout to accomplish a project that would benefit the Township. She suggested a landscaping or gardening project at the former Municipal Building in Blooming Glen. While Supervisor McIlhinney is not opposed, he recalls that when a similar project was proposed, there had been concern expressed by the Township's insurance carrier regarding liability issues. Mr. Bennington was directed to investigate the matter and determine a suitable project for the Eagle Scout to complete.

2. Chairman Manfredi commented that zoning enforcement must be consistent throughout the Township. A number of complaints have been brought to his attention regarding mixed uses on several properties. Chairman Manfredi stated that the Township must treat each individual equally, and that the Ordinance requirements must be met. He does not believe that residents should have to file a complaint against their neighbor in order to enforce the Zoning Ordinance. For example, Chairman Manfredi has received phone calls about individuals renting space for storage of equipment and vehicles, which often results in a mixed use on a property. Supervisor Salvadore agreed that a written complaint should not be necessary to enforce the Zoning Ordinance.

3. Chairman Manfredi suggested that Mr. Bennington, upon his return from vacation, be directed to meet with Mr. Wynn and Mr. Buzby to discuss drainage projects to be included in the next budget cycle. He asked that various drainage projects, be proposed for the Board's consideration during the upcoming 2008 budget process.

4. Chairman Manfredi would also like Mr. Bennington and Mr. Buzby to prepare a status report on the Request for Proposals Analysis on whether or not lawn mowing, etc. should be contracted out versus doing that work with municipal staff.

5. The Board will meet in Executive Session following this meeting in order to discuss a legal matter.

6. Supervisor McIlhinney asked that Mr. Bennington, upon his return from vacation, be instructed to contact Diversified to repair the air conditioning system in the meeting room.

7. Supervisor Salvadore asked the status of a resident's previous request for a development sign at the Summer Lea Subdivision. Mr. Joe Marino advised that the gentleman did appear before the PC, where he was directed to provide a rendition of the proposed sign for review, however the man never returned. Mr. Mark Funk also recalls that the gentleman was asked to provide model Ordinances for consideration. Supervisor McIlhinney believes it was the consensus of the Planning Commission that the current regulation should stand, and that signs for each and every development should not be permitted, an opinion he personally shares.

8. Chairman Manfredi provided his fellow Supervisors with brochures regarding a basketball camp run by Sonny Hill and asked them to consider scheduling a basketball camp in Hilltown Township. Supervisors McIlhinney and Salvadore were agreeable.

9. With respect to recreational facilities, Chairman Manfredi suggested that perhaps the soccer field at the Civic Park should be converted into basketball courts and tennis courts. Further, he would support the idea of constructing an indoor recreation facility in order to take a more proactive approach to providing recreational opportunities for Hilltown residents.

10. Supervisor McIlhinney noted that the Supervisors hope to kick off a more comprehensive Park and Recreation Program once the Forest Road Park facility is available.

K. PUBLIC COMMENT:

1. Mr. Joe Marino suggested that the Fire Prevention Bureau meeting schedule be posted on the Township website.

2. Mr. Mark Funk asked the procedure to modify or eliminate an Ordinance. Solicitor Grabowski explained that a draft Ordinance must first be prepared based upon the direction of the Board of Supervisors. If it is a Zoning Ordinance amendment or Subdivision/Land Development Ordinance amendment, it would require a mandatory review by the Township Planning Commission and the Bucks County Planning Commission, and then a Public Hearing would be advertised to consider public comment.

3. Mrs. Marilyn Teed of Mill Road wished to register a complaint about the Business Roundtable that was recently held at the Township building. She wondered what criteria was used to determine which businesses were invited, and if the meeting was open to the public. Mrs. Teed spoke to the proprietor of the Sunoco in Line Lexington who did not receive an invitation but was informed of the meeting by another business owner who did receive one. Supervisor McIlhinney believes that initial

invitations were sent for the first Business Roundtable meeting held a year ago, and then any attendees at that meeting were reminded of subsequent meetings. He assured Mrs. Teed that there was no intent to exclude any business. Supervisor McIlhinney noted that an effort was made to encourage the formation of a Hilltown Business Association, which he hopes will occur. Chairman Manfredi suggested that Mr. Bennington he asked to compile a list of businesses and establish a guest list, while making every effort not to exclude anyone interested in attending.

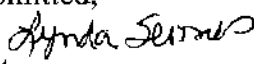
Mrs. Teed also suggested that the Township reinstate the Email Newsletter, which she found very helpful.

4. Ms. Sandy Williamson of Mill Road requested clarification on the difference between a Zoning District, a Zoning Use, a Zoning Change, and spot zoning. Solicitor Grabowski explained that spot zoning is where inconsistent uses exist by creating an "island" of a use that is inconsistent with everything that surrounds it. In the case of the AQRC District that was adopted this evening, Solicitor Grabowski stated that it is a proposed residential use and there is compatibility with the surrounding residential district. Further, he noted that creating site-specific districts is not new nor is it unusual. For instance, the Village Center districts in Hilltown are "islands" within residential areas, which allow for uses other than residential. Whenever a zoning district is created, it has to be site specific. Discussion took place.

5. Mr. Joe Miketta requested a status report of the runoff problem he experienced from the Hilltown Ridge Subdivision. Mr. Wynn replied that the drainage has been revised, and sedimentation control on the two inlets has been removed. The developer also re-graded some of the lots in the area. Discussion took place. When Mr. Miketta can schedule time to meet at the site with Mr. Wynn, they will review how the damage that occurred can be repaired.

L. PRESS CONFERENCE: 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 to adjourn the June 25, 2007 Board of Supervisors meeting at 9:48PM.

Respectfully submitted,
Lynda Seimes 
Township Secretary

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