

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, March 12, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:35PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, 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 of Supervisors met in Executive Session immediately prior to this meeting in order to discuss outstanding litigation of the Teed matter.

2. The annual Easter Egg Hunt will take place on Saturday, March 31st beginning at 10:00AM at the Pearl S. Buck International site. Rain date is Saturday, April 7th at the same location and time.

3. Chairman Manfredi announced that the Supervisors would be appointing Mrs. Sharon Peak as Part-Time Bookkeeper under the Consent Agenda portion of this meeting.

4. Chairman Manfredi referred to an item under "New Business" – the review of the proposed draft Ordinance for Age-Qualified Communities, which he advised would be treated the same as any other agenda item. Discussion of this agenda item would be limited to that of the Board of Supervisors, the Township Solicitor, the Township Engineer, and the Township Manager. Chairman Manfredi stated that there would be an opportunity for public comment on this agenda item during "Public Comment on Agenda Items Only" and once again, after the Board and staff have completed their review of this agenda item, and also under "Public Comment" at the end of the meeting.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA – Approvals – Action on the following:

- Approval of Minutes of the Feb. 26, 2007 Supervisor's Meeting
- Approval of Bills List dated March 13, 2007

- Approval of Treasurer's Report dated February 28, 2007
- Appointment of Part-Time Bookkeeper
- Manager's Report/Public Works Report/Zoning Report
- *Zoning Hearing Board Report
- Hilltown Fire Company Report
- Park and Recreation Board Report
- *Open Space Committee Report
- Planning Commission Report

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to approve and accept the above noted items, with the exception of the Zoning Hearing Board Report and the Open Space Committee Report, which Supervisor McIlhinney would like to review and discuss in further detail. There was no public comment.

Discussion:

1) Zoning Hearing Board Report – Supervisor Salvadore advised that the year-end report provided by Mr. Snyder, Chairman of the ZHB, indicated that the leading type of relief requested, over 38% of the decisions rendered in 2006, referred to impervious surface ratio in the RR District, which is a trend that has existed for at least the past 3 years. The report also notes that another trend that continues in the RR District is the number of appeals for relief from front, side, and rear yard setbacks. Supervisor Salvadore asked the status of the review of the proposed Impervious Surface Ratio Ordinance. It was determined that the Board of Supervisors discussed such a change to the Impervious Surface regulations last summer, however no official action was taken to begin consideration of revising those percentages.

2) Open Space Report – Supervisor McIlhinney takes exception to the recommendations made by the Open Space Committee to hold a Landowner's Forum, as well as recommendations to revise and/or modify the proposed Resolution establishing the role and function of the Open Space Committee. He feels that the Committee's recommendations are premature and way beyond their scope of duty. Chairman Manfredi believes that the Supervisors, by consensus, had indicated that a Landowner's Forum or a similar type of meeting would not be held until a joint meeting has been scheduled with the Board of Supervisors and the Open Space Committee.

The Open Space Committee also asked the status of receiving digital maps from the Bucks County Planning Commission. Mr. Bennington sent correspondence to the BCPC, who no longer accepts verbal requests for digital maps, however he has yet to receive a response.

Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to accept the Open Space Committee Report as submitted, with the understanding that it is not an approval of the recommendations within the report.

Public Comment:

1. Mrs. Marilyn Teed requested clarification of a section of the minutes of the February 26, 2007 Supervisor's meeting with respect to multiple uses in various Zoning Districts. Since the approval of minutes is not related to the motion just made, Chairman Manfredi asked Mrs. Teed to hold her question/comment until the end of the meeting.

Motion carried unanimously. There was no further public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept the Zoning Hearing Board Report as submitted. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. POLICE REPORT – Chief Christopher Engelhart – Chief Engelhart presented the Police Report for the months of January and February 2007, copies of which are on file at the Township office.

The following speed checks were conducted:

- January 12th – Orchard Road near Morgan Lane. Nine citations issued.
- January 19th – Middle Road near Fretz Road. Four citations issued.
- January 25th – Central Avenue. Ten citations issued.
- February 9th – E. Summit Street near Meadow Glen. Two citations issued, with the highest rate of speed clocked at 68 mph in a 35 MPH zone.
- February 12th – Skunkhollow Road. Two citations issued.
- February 27th – 300 block of Fairhill School Road. Seven citations issued.
- March 12th – 500 block of Blue School Road. Two citations issued, with the highest rate of speed clocked at 81 MPH in a 45 MPH zone (by a 16 year old driver who had only received his license in December).

F. OLD BUSINESS:

1. Consider Selection of Code Enforcement Agency for 2007 – Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore to consider the selection of a third party Code Enforcement Agency for 2007.

Motion was amended by Supervisor McIlhinney to appoint Building Inspection Underwriters, Inc. as the Code Enforcement Agency for Hilltown Township for 2007.

At the direction of the Board, Solicitor Grabowski reviewed the proposed Agreement. He advised that the Township can terminate services with BIU with 30 days notice, the Agreement also provides for all of the basic necessities of a consultation contract in terms of insurance coverage, and the use of licensed and certified individuals to provide building inspection and code enforcement services.

Chairman Manfredi noted the following typographical error:

- Item #2, second sentence should state "The Building Code Official shall manage, supervise and administer building code enforcement activities pursuant to 401.7(a)(18) (relating to certification category specifications **on** behalf of Hilltown Township."

Chairman Manfredi also referred to the third sentence in Item #2, which states "The Building Code Official's duties shall include, but not be limited to: management of building code enforcement activities; supervisor of building inspectors and plan examiners; etc....." He wondered how Mr. Bennington's role as the Township Manager, managing all departments and all activities is going to interact with the managing of the building/code enforcement activities. Mr. Bennington believes that the BIU inspectors who service Hilltown Township will report to him as the Manager, who would in turn report directly to the Board of Supervisors. As long as it is understood that the management of the building/code enforcement department is not being placed upon BIU only, Chairman Manfredi would be comfortable with that language.

Chairman Manfredi would prefer to strike the sentence that states the Agreement would be automatically renewed (Item #4), since he feels the appointment should be reviewed on an annual basis. Supervisor McIlhinney disagreed, noting that there is a 30 day termination clause in the proposed Agreement, which the Supervisors could take advantage of at any time. Chairman Manfredi suggested that a paragraph be added to the Agreement that in essence states that the Township, through the Township Manager, will evaluate and make a recommendation to the Board of Supervisors by November 1st of each year the Agreement is in place, as to whether or not the appointment should continue. Supervisors Salvadore and McIlhinney were agreeable.

That being the case, Chairman Manfredi called for an amendment to the amended motion to include the above noted language in the final Agreement with BIU for code enforcement and building inspection services for 2007. Motion was seconded by Supervisor McIlhinney, and carried unanimously.

Solicitor Grabowski explained that by this additional language, the Board has put an obligation on the Township Manager to perform a certain task by November first of each year, however that task is not the responsibility of BIU, who is also being asked to sign the Agreement. Therefore, he does not believe that the language is necessary in the Agreement itself.

Chairman Manfredi withdrew his amendment, and made a motion to direct the Township Manager to do said analysis by no later than November 1, 2007 for the Board's consideration. Motion was seconded by Supervisor McIlhinney and carried unanimously. There was no public comment.

Supervisor McIlhinney's original motion to appoint Building Inspection Underwriters, Inc. as the Code Enforcement Agency for Hilltown Township for 2007 was seconded by Supervisor Salvadore and carried unanimously. There was no public comment.

G. NEW BUSINESS:

1. Review of proposed draft Ordinance for Age-Qualified Community – McGrath Homes Re-Zoning Request – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to consider and review a proposed draft Ordinance for Age-Qualified Communities.

Public Comment:

1. Mrs. Alice Kachline of Mill Road is not opposed to the McGrath Homes proposal, which she feels is a good concept, but feels that the location chosen by the developer (Rural Residential Zoning District) on Minsi Trail is inappropriate.

There was no further public comment.

Supervisor McIlhinney advised that Chairman Manfredi previously expressed interest in making the AQRC part of the CR-II District rather than a stand-alone Ordinance as it was envisioned, and felt that it should be addressed prior to review of the draft Ordinance. Chairman Manfredi noted that consideration of this proposed Ordinance is for an age-qualified community, which would really necessitate re-zoning three individual parcels as its own zoning district. The Board had previously informally given consideration to possibly rezoning the neighboring area of this site to Commercial or Industrial, based upon a request by the owner of the Stone Depot property and other requests from property owners located near the Rt. 113/Rt. 313 intersection. If an age qualified community use is to be permitted in this area, Chairman Manfredi believes that the same result could be accomplished using design standards and parameters as part of the CR-II District. He feels that the Board should consider expanding this particular area into the

CR-II District, rather than considering a stand alone Ordinance for this proposal. Supervisor McIlhinney disagreed, noting that it was the consensus of both the Bucks County Planning Commission and the Hilltown Planning Commission to recommend a stand alone Ordinance specifically because it would provide for complete control of where an age qualified residential community could be located, and the standards that would apply to it. Supervisor McIlhinney's main concern with an age qualified residential community being incorporated into the CR-II Zoning District is that there are numerous types of dwelling construction permitted in that district, such as patio homes, townhouses, etc. and the fact that it would limit the Township's control of what is constructed and how it is constructed. Chairman Manfredi asked Mr. Wynn if an age-qualified community could be permitted within the CR-II Zoning District without compromising the rest of that Zoning District. When this proposal was first submitted, Mr. Wynn noted that there had been discussion as to whether it should be allowed as an overlay or used within the RR District. He recalls that the Planning Commission immediately expressed grave concerns about the impact it might have throughout the RR District in the remainder of the Township because there are still quite a few undeveloped parcels that could be assembled. Mr. Wynn advised that the CR-II District, which is much more limited in area of the Township, no longer, to his knowledge, has an area of 100 acres that could be assembled for construction of an age qualified community, if a 100 acre minimum is required. As far as permitted uses, Mr. Wynn feels there is very little difference between the CR-II and the RR Zoning District. He further noted that neither the RR District or the CR-II District permits the performance standard-type subdivisions. Mr. Wynn further stated that it would be a matter of policy as to whether the Board wishes to create a separate Zoning District classified "Age Qualified" or if they wish to create an age qualified use. The proposed draft Ordinance establishes the age qualified use and parameters. It would be the Board's decision as to whether or not they wish to have that use placed in the CR-II District.

Supervisors McIlhinney and Salvadore stated they were not interested in continuing consideration of age qualified zoning in the CR-II District, since well over a year of preparation has brought the Board to the point of the draft AQC Ordinance that is before them this evening. Chairman Manfredi wished to make it clear that this Board of Supervisors is not the reason it took three years for the McGrath proposal to get to this point, nor is it because of any one member of this Board. He agrees that an age qualified community zoning overlay is inappropriate.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to consider the Age Qualified Community Ordinance as presented to the Board this evening, as a stand alone Ordinance and to proceed accordingly with the review of that draft Ordinance. Prior to a vote, discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road feels that this type of development should be permitted in the RR Zoning District, and does not believe there is sufficient acreage in the CR-II Zoning District to construct this type of development. It was Mrs. Teed's opinion that the Township should encourage developers to construct age qualified communities.

Chairman Manfredi explained that what the motion means is this age qualified community would not be permitted in the RR District, and that a separate zoning district would actually be created, which would be comprised of these specific three lots to be called "Age Qualified Community District." Supervisor McIlhinney disagreed, and noted that the Board is simply considering an Ordinance this evening, and that the Supervisors would decide which specific tax map parcels in which zoning districts would be affected if and when such an Ordinance is advertised and adopted.

Solicitor Grabowski commented that the review of the draft Age Qualified Community Ordinance this evening is simply in a public meeting format, not an advertised Public Hearing.

2. Mr. Gene Cliver of Telegraph Road asked if a 100-acre minimum is proposed for the AQC Ordinance. Chairman Manfredi explained that the motion the Board is now seeking comment on is the issue of considering discussion of the draft Age Qualified Community Stand Alone District Ordinance.

There was no further public comment. Motion passed unanimously.

The Board of Supervisors participated in a lengthy discussion and review of the proposed draft Ordinance with the Township professional staff. The following are key points that were raised and the corrections that the Board directed to be made to the draft Ordinance:

- Supervisor McIlhinney suggested that AQC (Age-Qualified Community) be changed to **AQRC (Age Qualified Residential Community)** throughout the document. Supervisor Salvadore and Chairman Manfredi had no objection.
- Supervisor McIlhinney noted that all of the words that are shown underlined in the draft document should be stricken. Supervisor Salvadore and Chairman Manfredi agreed.
- Supervisor McIlhinney does not believe the number of people living in the dwelling should be limited to 4. Supervisor Salvadore and Chairman Manfredi had no objection.

- Supervisor McIlhinney believes that the individual who is 55 years or older should be the designated owner of the dwelling unit.
- Supervisor Salvadore questioned Item #1, Section 160-11, Definitions, first paragraph, which states in part "...and further, providing that no persons under the age of nineteen (19) shall occupy a dwelling or unit for more than three (3) months in a calendar year." She asked if the three months is cumulative. Discussion took place. The Board unanimously agreed to add the word "**cumulative**" to that sentence.
- Supervisor McIlhinney does not believe that reference to an Architectural Review Board is necessary. The Board unanimously agreed.
- Supervisor Salvadore referred to Item #3, Section 160-16 (9) Age Qualified Residential Community, which she suggested should state: "**The Age Qualified Residential Community District is intended to provide for private residential community living and different housing options for older residents. The District requires both active and passive recreational facilities.**" The Board unanimously agreed that the language that speaks about the residents who may have retired or are still working full-time or on a part-time basis, and the language that refers to those individuals not requiring the intensive needs of a nursing home should be removed.
- Supervisor McIlhinney suggested that the minimum base site area of One Hundred (100) acres remain, and the Board unanimously agreed.
- Supervisor McIlhinney suggested that Item #4, Section 160-23, (9) B9 Age Qualified Community, (2) Maximum Density, should not require a maximum of 200 units as Supervisor Salvadore previously suggested. Supervisor Salvadore agreed that requirement for a maximum of 200 units should be removed. Chairman Manfredi was amenable.
- Supervisor Salvadore suggested that the word "independent" should be removed from Item #4 (9) B9 Age Qualified Community (b) (2), with the word "**separate**" replacing it, to read: "Quadruplex. A quadruplex is a residential dwelling consisting of four units, which are attached by their garages. All units have **separate** access." The Supervisors unanimously agreed.
- Discussion took place regarding Section 4, (c) – Area and Bulk Requirements for Quadruplex Development, and it was determined that

the following language should be added to (3) Minimum Building Setback from Site Boundary – **“When adjacent uses are nonresidential, the setback from the street line may be reduced to one hundred (100) feet.”**

- With respect to page 4, Item #4, Section 160-23. Use Type Regulations, (f) General Requirements, (2), the Board agreed that the words **“Open Space and Facilities”** should be removed. After continued lengthy discussion about this paragraph and its reference to the open space being dedicated to the Township or managed by the Heritage Conservancy as a wildlife sanctuary, the Board of Supervisors unanimously agreed to leave the issue of open space ownership unresolved at this time and to consider it at another time.
- Page 4, (5) “Unit Occupancy” – Discussion occurred regarding the mention of the State Human Relations Act, the Americans with Disabilities Act, and the Pennsylvania Uniform Construction Code, which Supervisor McIlhinney noted would be redundant since it is a requirement that occupancy must be in accordance with these various Acts and Codes.
- The Board agreed that all reference to an “Architectural Review Board” should be removed. Supervisor McIlhinney referred to page 5, #8 under (f) General Requirements, last sentence, which the Board agreed should now state **“The proposed architectural styles, building scale, design, materials of the buildings and structures with proposed building elevations and pictures (including dimensions of building height and width and faced treatment) shall be submitted for approval to the Board of Supervisors before any building permits can be issued.”**
- It was determined that the chart referring to “Number of Dwelling Units” and “Minimum Clubhouse Size” as shown on page 6 (3), should be revised as such – **“101 and above – 5,030 sq. ft. plus 40.0 sq. ft. per unit over 100 units.”**
- Supervisor Salvadore suggested that page 7, Item 2(c), should state **“Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of vehicular and pedestrian access ways, or automobile parking facilities.”** The Board concurred.

- With respect to page 7, Item 2(d), Supervisor McIlhinney does not believe that vehicular access to the site should be limited to arterial streets only. Chairman Manfredi disagreed. Lengthy discussion took place. If it was the consensus of the Board to address this provision in the Subdivision/Land Development Ordinance, Chairman Manfredi would be amenable to revising the language on page 7, Item 2 (d) to state **“Provisions shall be made for safe and efficient ingress and egress to and from public streets serving the development without undue congestion to or interference with normal traffic flow.”** Supervisors McIlhinney and Salvadore were agreeable.
- Page 7, Item 2(e) “Lighting” shall be revised to state **“The source of any exterior spot lighting or flood lights of buildings or grounds shall not be visible from off the site. Lighting facilities for the residential area, clubhouse/community center, streets, and parking areas shall be arranged in a manner, which will protect the highway and neighboring properties from glare. Lighting facilities will be required where deemed necessary by the Township for the safety and convenience of the residents of the Age Qualified Residential Community.”**
- Page 7, Item 2(f), “Screening,” last sentence should be revised to state **“All required perimeter buffering (plantings and berms where applicable) shall be installed in the initial phase of construction to minimize impacts to adjacent residents during construction when possible.”**
- Page 7, Item 2 (j) “Unit Occupancy” (1) should be revised to state **“The owner or permanent occupant of an Age Qualified Residential Community dwelling shall be fifty-five (55) years of age or older. No persons under the age of nineteen (19) shall occupy a dwelling or unit more than ninety (90) days (cumulative) in a calendar year.”**

Supervisor Salvadore suggested that the following language be added, which she had gathered from a seminar on Age Qualified Housing **“Members of a household shall not be required to move out of a dwelling if they qualified for residency at the time of their initial occupancy and no longer meet the requirements of residency because of a resident age 55 or older dies, divorced, is placed in a nursing or other similar assisted care facility, or experiences a similar circumstance.”** Supervisor Salvadore further suggested the following language be added to this section **“Persons younger than age 18, such as grandchildren, may occasionally reside in the dwelling provided their**

residency within the unit is less than 120 days (cumulative) in a calendar year.”

- Very lengthy discussion regarding page 8, (k) Essential Services, which currently states “An Age Qualified Residential Community must provide essential services onsite because of the inherent needs of the residents for fire, ambulance, and medical assistance. In lieu thereof, a financial contribution can be made to Hilltown Township in an amount deemed appropriate by the Hilltown Township Board of Supervisors to be used solely for promoting said essential services of fire and rescue services and ambulance and medical assistance services offsite.” Supervisor McIlhinney felt that the entire paragraph should be removed, while Supervisor Salvadore felt strongly that it should remain. Supervisor McIlhinney suggested the word “Essential” be replaced with the word “Community” which Chairman Manfredi and Supervisor Salvadore agreed with. Further, rather than designating that any contribution in-lieu-of be used solely for promoting said essential services of fire and rescue and ambulance/medical assistance services offsite, Supervisor McIlhinney suggested that the in-lieu-of financial contribution simply be designated for use for **“community projects as deemed appropriate by the Board of Supervisors.”** While Chairman Manfredi agreed, Supervisor Salvadore did not. Discussion continued. Solicitor Grabowski’s opinion was requested, and the following language (or similar language) was to replace the current paragraph for the Board’s consideration at their next meeting – **“Essential Services – An Age Qualified Residential Community must provide community services. In lieu thereof, a financial contribution shall be made to Hilltown Township in an amount deemed appropriate by the Hilltown Township Board of Supervisors.”**
- Page 8, Item #6, Section 160-26 – Table of Performance Standards – Supervisor McIlhinney stated that the column currently called “Minimum Density (DU/AC)” should be revised to **“Maximum Density (DU/AC).”** Mr. Wynn further noted that under the “Use” category, Single Family should actually be revised to **“Single Family Detached.”**
- Page 10 and 11, Table of Use Regulations – The Board agreed that the following changes should be made to the Use Regulation Chart under AQRC:
 - *D.1 “Medical Office” should be changed from “Y” to “CU”
 - *E.3 “Personal Services” should be changed from “Y” to “CU”
 - *F.2 “Emergency Services” should be changed from “Y” to “CU”

- *I.2 "Residential Accessory Structure" should be changed from "Y" to "CU"
- *I.6 "Temporary Structure" should be changed from "Y" to "CU"
- *I.10 "Recreational Vehicles" should be changed from "Y" to "N"
- *I.13 "Radio and Television Tower" should be changed from "Y" to "CU"

Public Comment:

1. Mr. Lawrence Owen of Rt. 313 requested clarification on the term "stand alone district." Solicitor Grabowski explained that if this Ordinance were to be considered for adoption, the zoning map would accompany it, and would then be changed to provide for the AQRC zoning district, at which time the Ordinance would become "stand alone" in that it is now the zoning district.

Mr. Owen asked what maximum building height is permitted in the Township. Mr. Wynn advised that building height is regulated at 35 feet.

Mr. Owen wished to correct a statement made earlier by Supervisor McIlhinney that the car trip numbers for Rt. 313 is 10,000, when in actuality the number of car trips is 19,000 per PennDot. Supervisor McIlhinney explained that he obtained those figures from the Comprehensive Plan from 2003.

Mr. Owen questioned the relevance of the nearby MTBE contamination to the proximity of the proposed McGrath Homes site, and asked if the applicant would propose public water sewer service due to the on-site water contamination. While Mr. Owen's question was valid, Chairman Manfredi advised that it is not an appropriate time to be asked since it is site specific and is relative to the discussion of the proposed AQRC Ordinance. Solicitor Grabowski noted that there is language contained in the proposed Ordinance that requires the use of public water and sewer service for an AQRC development.

Mr. Owen asked if McGrath Homes would be willing and able to work with the Native American Indians with respect to artifacts that have been found on the site. Chairman Manfredi once more advised that public comment at this time should be limited to the proposed Ordinance before the Board, and suggested that Mr. Owen bring these questions to McGrath Homes if and when they make a formal application for development.

2. Mrs. Marilyn Teed of Mill Road referred to page 8, (j) (2), which requires occupants if unrelated by blood or marriage to be fifty-five (55) years of age or older, and commented that there may be instances of same sex individuals living together who might not be blood related or married. While she is not a proponent of that lifestyle, Mrs.

Teed stated that it would be politically incorrect for the Township not to consider that option.

3. Mr. Hans Sumpf of Beverly Road stated that his father-in-law currently resides in an age-restricted community in Florida. There was a recent situation where an older resident of this community had married an 18-year old woman, and when the husband passed away, the homeowner's association then attempted to evict the man's much younger widow from the community.

It was Supervisor McIlhinney's understanding that any of these age-restricted communities can legally set an 80% compliance requirement for residents over 55 years of age. Personally, he would prefer that there would be a 100% compliance requirement for residents over 55 years of age in any AQRC development in Hilltown.

4. Mr. Gene Cliver of Telegraph Road cited the proposed McGrath development and referenced the possible access to public roads, whether they are Township or State owned roadways. Mr. Cliver feels that PennDot should be responsible for improving State roads and/or intersections.

Mr. Cliver asked if McGrath Homes would be proposing an on-site sewer system to serve their development, and if so, who would be responsible for its maintenance. Supervisor McIlhinney commented that there could be an on-site package treatment plant proposed or the site could be served by public sewer. If an on-site package treatment plant is proposed, the applicant would be responsible for the system's maintenance until such time as it would be taken over by the Hilltown Authority. If an on-site package treatment plant is utilized, Mr. Cliver asked who would be responsible for monitoring the quality of the water that would be flowing into the stream. Chairman Manfredi explained that the Hilltown Authority is responsible for maintaining a certain water quality as effluent into a stream with DEP having oversight of the Authority to insure those discharges are correct. Mr. Cliver asked if public water or a private well is proposed to serve that site. Supervisor McIlhinney explained that the applicant has the right to propose either public water or a private well.

5. Mr. Tom Hecker, legal counsel for McGrath Homes, wished to confirm that the Board would be agreeable to permitting stormwater management facilities within the buffer yard, as noted on Page 2, Section 9, A-6. Supervisor McIlhinney indicated that was correct.

Mr. Hecker was willing to offer language for the Board to consider with respect to open space ownership requirements, and was directed to provide that suggested language to Solicitor Grahowski for future review by the Board of Supervisors.

Mr. Hecker expressed concern with the minimum clubhouse size with respect to the number of units proposed, stating that the requirements as suggested by the Board would make for a very, very large clubhouse, which in his opinion might be overkill for what is really required. Discussion took place.

There was no further public comment.

The Board directed Solicitor Grabowski, Mr. Wynn, and the Township staff to make the necessary revisions to the proposed AQRC Ordinance as suggested this evening for further review at their next meeting, if possible.

2. Consider directing Township Manager to review all available properties eligible for open space acquisition or conservation easement purchase, and to analyze financing options available through various lending institutions and funding sources for open space acquisition; and to submit a detailed written report at the June 11, 2007 meeting – Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to authorize the Township Manager to review all available properties eligible for open space acquisition or conservation easement purchase, and to submit a detailed written report at the June 11, 2007 Board of Supervisors Meeting, and also to advise the Open Space Committee that Mr. Bennington has been charged with this directive. There was no public comment.

3. Authorization to advertise Accessory Family Residence Ordinance for Public Hearing – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney to consider authorization to advertise the Accessory Family Residence Ordinance for Public Hearing. Prior to a vote, discussion took place.

Solicitor Grabowski explained that there is a revision to the proposed Ordinance based upon information received from both the Bucks County and Hilltown Planning Commissions. Supervisor McIlhinney wondered why the comments of the two Planning Commissions have to be considered if the Board of Supervisors does not wish to revise the draft Ordinance. Even if the Board of Supervisors did accept the revisions as proposed by the BCPC and the HTPC, Supervisor McIlhinney asked why the Ordinance must be re-advertised for Public Hearing. Solicitor Grabowski agreed that the Supervisors do not have to consider the Bucks County Planning Commission and Hilltown Planning Commission's suggestions for revision, however he noted that a 2006 Commonwealth Court Case requires that any revision to a draft Ordinance has to be re-reviewed by the Township and County Planning Commissions, even if that revision is minor and was made at their request.

The Board of Supervisors reviewed the proposed Accessory Family Residence Ordinance:

- Supervisor McIlhinney cited Article 1 (b) (1), and suggested that the following language be added: “The use shall occupy **an area whose size is no more than fifty percent (50%) of the area of the principal residence.**”
- After lengthy discussion, the Board directed that Article 1, (b) (7), which states “Such use shall be subject to an annual inspection and annual zoning permit fee in accordance with a separate Resolution of the Board of Supervisors.” should be removed in its entirety.
- Article 1, (b) has been revised to state “**Accessory Family Residence. One (1) residence accessory to a single-family detached dwelling shall be permitted to provide flexible housing. The intent of these provisions is to allow for related family members and any required healthcare workers to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multi-family housing is not otherwise permitted.**”

Motion carried unanimously. There was no public comment.

The Board directed that the Hilltown Planning Commission and the Bucks County Planning Commission be advised that the Board of Supervisors would like to receive their review of the revised proposed Ordinance within the time specified, and if not, the Board intends to move forward with advertising a Public Hearing.

4. Appointment of Special Counsel – As a result of this evening’s Executive Session prior to the meeting, Chairman Manfredi advised that the Board should consider whether or not to appoint special counsel regarding the Teed matter.

Motion was made by Supervisor Salvadore to appoint Wendy Barish of Weber Gallagher as special counsel at the rate not to exceed \$200.00 per hour to represent the Township in the Teed matter.

Prior to seconding the motion, Supervisor McIlhinney asked if Ms. Barish’s duty would be to investigate the status of the matter. Chairman Manfredi explained that the motion is to appoint Ms. Barish as special counsel to advise the Board of Supervisors, based upon her legal knowledge, as to what the circumstances of the Teed matter are, and what the Board should do.

Motion was seconded by Supervisor McIlhinney and carried unanimously. There was no public comment.

H. MYLARS FOR SIGNATURE: Gwen Kratz Subdivision

I. SUPERVISOR'S COMMENTS: None.

J. PUBLIC COMMENT:

1. Mr. Hans Sumpf of Deep Run Valley Sports Association announced that Open Day for baseball, and softball will be held on Saturday, April 21, 2007 at 9:00AM, at which time dedication of the new grandstand and sign, and recognition of the 2004 Thunderhawk's team will take place.

On a different matter, Mr. Sumpf advised that there have been several incidences of turfing on the Telegraph Road athletic fields currently being leased by Deep Run, and requested that the Township consider installing a fence or boulders around the field to prevent this from happening in the future. Mr. Bennington will review the matter and provide a recommendation to the Board at their next meeting.

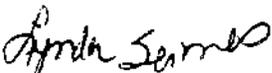
2. Mrs. Marilyn Teed of Mill Road appreciated that the Board considered an AQRC Ordinance and how its review was accomplished this evening.

Mrs. Teed asked if multiple uses are permitted in every zoning district. Mr. Wynn replied that multiple uses are permitted in every zoning district except the Planned Commercial II District.

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

L. ADJOURNMENT: Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to adjourn the March 12, 2007 Hilltown Township Board of Supervisor's meeting at 11:10PM.

Respectfully submitted,


Lynda Seimes
Township Secretary

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