

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, January 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 7:32PM 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

A. ANNOUNCEMENTS:

1. The Board of Supervisors met in Executive Session this afternoon at 2:00PM to discuss personnel matters and possible employment.

2. An advertised Public Hearing will be held at 8:00PM this evening in order to consider the adoption of an Ordinance that would amend Section 124-2.A, the Mandatory Sewer Connection Ordinance, which states that all property owners whose permanent building lines within 100 ft. of any existing public sanitary sewer line shall not be required to connect thereto, but only under certain identified circumstances.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. With respect to the proposed Consent Agenda, Mr. Harry Mason of Morgan Lane believes that Township meeting business should be scheduled in advance, and even more importantly, if the new Consent Agenda is adopted, Mr. Mason feels it should only apply when all Supervisor members are present.

Chairman Manfredi explained that at the present time, it takes the consent of two Board members to place an item for discussion on an agenda, and if a second vote is not given, that particular item may never be placed on agenda. The purpose of that portion of the Consent Agenda is so that any one member can request an item be placed on the agenda, and then the full Board, at a public meeting, can then determine whether or not the item should be discussed.

C. APPROVALS – Action on the minutes of the December 1, 2006 Supervisors Meeting, December 28, 2006 Public Hearing (Randolph Property), and January 2, 2007 Reorganization Meeting; and the Bills List Dated January 30, 2007 and Treasurer's Report dated December 31, 2006; Motion was made by Supervisor McIlhinney, seconded

by Supervisor Salvadore, and carried unanimously to approve the minutes of the December 1, 2006 Supervisors Meeting, December 28, 2006 Public Hearing (Randolph Property), and January 2, 2007 Reorganization Meeting; and the Bills List dated January 30, 2007 and Treasurer's Report dated December 31, 2006, as written. There was no public comment.

D. COMMENDATION PRESENTATION – The Board of Supervisors presented Commendations recognizing the following individuals for their years of service on various Township Boards and Commissions – Mr. Mike Beatrice, for six years of service on the Planning Commission, Mr. D. Brooke Rush for six years of service on the Planning Commission, Mr. Ken Beer for twenty-three years of service on the Planning Commission, and Mr. Andy Leszczynski for three years of service on the Park and Recreation Board.

E. CONFIRMED APPOINTMENTS:

1. Mr. Tom Hecker – McGrath Homes – Seeking direction on Age Qualified Community Proposal vs. By-Right Single Family Dwelling Development – Mr. Tom Hecker, the applicant's legal counsel, was present to seek Board direction with respect to the next step in the process with their proposal for an Age Qualified Community versus a single family dwelling development at the site located on Minsi Trail/Rt. 113/Rt. 313. Approximately 3 years ago, the applicant submitted a proposed Ordinance amendment that would provide for age-qualified housing, at which time the applicant envisioned amending the existing zoning district to accommodate the age-qualified residential use. The applicant received comment and feedback from the Bucks County Planning Commission and the Hilltown Planning Commission, raising concerns about the impact of the other zoning districts being amended to accommodate age-qualified residential living. In light of those comments, the applicant then prepared a new draft Ordinance, which provides for an AQC standalone zoning district. Mr. Hecker felt that the rationale of this proposed Ordinance was more sound, and would address concerns expressed about the potential impact that amending the Ordinance to allow an age-qualified community in an existing zoning district might have on neighboring properties already zoned for different uses. In an effort to give the Township an opportunity to review the age-qualified concept in a context where it would not impact other existing properties, the most recent standalone Ordinance was prepared by the applicant. The applicant has appeared twice before the Township Planning Commission and the Township also held two separate Public Hearings on the AQC concept. At the conclusion of the last Public Hearing, the Board of Supervisors took no action, but indicated that they would deliberate and make a determination as to the next step in the process.

Even though Supervisor McIlhinney felt that perhaps additional hearings may be necessary, he does not believe those hearings should be on the Ordinance as proposed by

the applicant at this time. He stated that the Board should determine whether or not the concept of an Age-Qualified Community Zoning District is appropriate, and if so, Supervisor McIlhinney believes that the Township, through its professional staff and in conjunction with the applicant, should draft its own Ordinance.

Supervisor Salvadore feels the Township should move forward with the Age-Qualified Concept, but was uncomfortable that the proposed Ordinance had not been developed by the Township, and recommended that the Township, through its professional staff, develop its own Ordinance within 30 days, based upon feedback and recommendations from the individual Supervisors. Supervisor McIlhinney agreed, but suggested that the applicant be included in the Ordinance development process.

Motion was made by Supervisor Salvadore and seconded by Supervisor McIlhinney for the Township to move forward with drafting an Ordinance for Age-Qualified Housing. Prior to a vote, discussion took place.

Motion was made by Supervisor Salvadore that the Township move forward with drafting of an Ordinance for Age-Qualified Housing done by Hilltown Township staff. Supervisor McIlhinney wondered if that would be the same as an Age-Qualified Community Zoning District. Supervisor Salvadore replied that she is referring to housing, not necessarily a Zoning District. Supervisor McIlhinney seconded the motion for discussion purposes.

Supervisor McIlhinney asked why Supervisor Salvadore used the phrase "Age-Qualified Housing" rather than a separate Zoning District. Supervisor Salvadore recalls that early in the process, there had been discussion about a zoning overlay, and commented that she does not know enough about that option to make a decision without advice from the Township professional staff.

Chairman Manfredi felt that whatever the Board decides, it should be done at a public meeting, including providing specific direction to Township staff. He referred to a number of issues, including density, which must be addressed, as well as the point Supervisor McIlhinney brought to light as to whether it should be an Age-Qualified standalone Zoning District, or whether there should be another Zoning District where Age-Qualified Community is permitted within that District. Mr. Hecker stated that fairly early in the process, both the Bucks County Planning Commission and the Hilltown Planning Commission, expressed significant concern regarding amending the Zoning Ordinance for an existing district, and the impact that might have on other properties throughout the community. Unless there is detailed analysis of all the properties that could potentially be affected by meeting the criteria, Mr. Hecker noted that there seemed to be discomfort with proceeding in that direction. Further, he felt the safest way would be to create an AQC Zoning District so that each applicant who owned a property they

felt would meet the standards set forth by the Township, would have that property examined against the Zoning District requirements, thereby providing for a one-on-one analysis, as opposed to potential impact on other properties. Chairman Manfredi feels that there are a number of issues the Supervisors have to discuss as a Board, not individually with the professional staff as originally moved by Supervisor Salvatore.

Chairman Manfredi offered a motion to amend the previous motion that prior to any direction given to Township professional staff, the Board of Supervisors hold a special Public Meeting with the applicant so that the Board can provide an opportunity for public comment on what is discussed, and then provide direction to the Township professional staff based upon the conclusion of that public meeting. Supervisor Salvatore seconded the motion with the caveat that this is to take place within the next 30 days. Motion carried unanimously. There was no public comment.

Chairman Manfredi commented that a date for the special public meeting would be determined under the "New Business" section of this evening's agenda.

***8:00PM – PUBLIC HEARING. Chairman Manfredi recessed the regular meeting of January 29, 2007 at 8:00PM in order to enter into an advertised Public Hearing to consider the adoption of an Ordinance amending Section 124-2.A, the Mandatory Sewer Connection Ordinance.**

The proposed Ordinance was appropriately advertised in the Doylestown Intelligencer, and a copy has also been on file at the Township office and the Bucks County Law Library. Solicitor Grabowski explained that Section 124-2.A was originally adopted in the mid-1970's, which required mandatory connection to an existing public sewer line if a building was within 150 ft. of that line. This was originally done for the Hilltown Authority to finance the construction of the mandated sewer system. Since that time, the Township has determined that this could be a hardship for residents due to the extension of sanitary sewer by some of the newer developments. The proposed Ordinance states that all property owners whose primary buildings lines are within 150 ft. of an existing sewer line shall not be required to connect to the line, except under certain circumstances, such as new construction, a new building lot, a conversion of building from either a single or dual principle residential use to a principle non-residential use or a multi-residential use, or if a failing system has been identified by either the Bucks County Department of Health or by the Pennsylvania Department of Environmental Protection.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road thanked the Board for considering this Ordinance and thinking of the residents who might have otherwise faced a financial hardship if required to connect to public sewer.

2. Mr. Gene Cliver of Telegraph Road asked if the public sewer line in Telegraph Road is a pressure line, and how many properties could connect to it. Supervisor McIlhinney stated that it is a pressure line, however he does not know how many properties intend to connect. Discussion took place.

There was no further public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Ordinance #2007-1, amending Section 124-2.A, Mandatory Sewer Connection Ordinance, as noted above.** There was no public comment.

***Chairman Manfredi adjourned the advertised Public Hearing and reconvened the regular business meeting of the Hilltown Township Board of Supervisors of January 29, 2007 at 8:10PM.**

F. SOLICITOR'S REPORT

1. Traynor/Hassan Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to approve and accept the Traynor/Hassan Subdivision Financial Security Agreement, Agreement of Assignment and Assumption of Obligations. There was no public comment.

2. Gwen Kratz Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to approve and accept the Gwen Kratz Subdivision Cash Subdivision Agreement; and to **adopt Resolution #2007-9, accepting the Road Frontage Easement Agreement.** There was no public comment.

3. PECO/Defebo Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept and approve the PECO/Defebo Subdivision Road Frontage Easement Agreements, and to **adopt Resolution #2007-10, accepting the Road Frontage of the Defebo property;** and to **adopt Resolution #2007-11, accepting the Road Frontage of the PECO property for the PECO/Defebo Subdivision.** There was no public comment.

4. Arline Kirk Tract Termination Agreement – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept the Arline Kirk Tract Termination Agreement as presented by Solicitor Grabowski. There was no public comment.

5. Quakertown National Bank – Rate Modification Agreement – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept and execute the Rate Modification Agreement from the Township Depository, Quakertown National Bank. There was no public comment.

6. Pennridge Wastewater Treatment Authority Resolution - Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2007-12, adopting local limits to regulate discharges for processed wastewater pollutants to the Pennridge Wastewater Treatment Authority Treatment Facility.** There was no public comment.

7. Proposed Ordinance Amendment to Section 140-42 – New Regulations Concerning Sewage Disposals – Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to authorize advertisement of a Public Hearing to be held at the February 26, 2007 meeting to consider the adoption of a proposed Ordinance amendment (Section 140-42), pending receipt of recommendation from the Hilltown Township Planning Commission. There was no public comment.

8. Snow and Ice Removal Ordinance - Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize advertisement of a Public Hearing to consider the adoption of the Snow and Ice Ordinance at the February 26, 2007 meeting. There was no public comment.

9. Baker Tract Subdivision – The developer of the Baker Tract has requested consideration to terminate the approved plan on the Baker Subdivision project located on Rt. 113. Mr. Wynn and Solicitor Grabowski reviewed the proposed agreements that would relate to the termination of the subdivision project and agreements to extinguish all easements that had previously been given to Hilltown Township and HTWSA; with all agreements found to be acceptable for technical and legal issues. Solicitor Grabowski explained that the termination would essentially provide for the reversion of the parcel into one lot as it originally existed before the subdivision application. The agreements do call for the refund of the recreation fees that were paid in lieu of actual infrastructure installation in an amount of \$11,772.00. Discussion took place. Mr. William Benner, legal counsel for the applicant, advised that there are two easements on the Baker Tract that are intentionally not proposed for extinguishment – the road frontage easement and the easement for proper functioning of the stormwater management plan.

The Board unanimously consented to approve the concept of allowing the termination of the Baker Tract Subdivision and to allow for the agreements to be presented in final form executed by the developer, the bank, and the equitable owner of the property at the February 26, 2007 meeting.

10. Gordene Randolph Property - Closing on the Randolph property subsequent to the public hearing on December 28, 2006 was accomplished. The deed has been recorded with the Bucks County Recorder of Deeds Office. An application for real estate tax exemption has been filed with the Bucks County Board of Assessments. The Lease Agreement was also executed with Mr. and Mrs. Randolph providing the Township with an insurance certificate pursuant to the Lease Agreement.

Chairman Manfredi noted that there are three properties the Township has been in the process of preserving over a period of months – the Haring property, the Randolph property, and the Ray Moyer property.

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

1. Wimmer/Lare Lot Line Adjustment Subdivision (Preliminary/Final) – The Wimmer/Lare Lot Line Adjustment located on Green Street was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of items as contained within the December 5, 2006 engineering review. Additionally, all waivers requested by the applicant, as noted in Item #2 and attached to the engineering review, were recommended for approval.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to grant conditional preliminary/final plan approval to the Wimmer/Lare Lot Line Adjustment Subdivision, pending completion of all outstanding items as noted in the December 5, 2006 engineering review, and the waivers as requested by the applicant. There was no public comment.

2. Penn Foundation II Subdivision (Preliminary) – The preliminary plan, which includes development in both West Rockhill Township and Hilltown Township, was unanimously recommended for preliminary approval subject to completion of outstanding items as contained in the December 27, 2006 engineering review, with the following items noted:

- With respect to Item #1, West Rockhill Township has granted preliminary approval of the plan and will accept dedication of the cul-de-sac street as a public road.
- A waiver was unanimously recommended for approval by the Planning Commission relative to Item #3 of the engineering review regarding the depth of ponded water within the detention basin. Recommendation is subject to the applicant installing a three rail split rail fence with wire mesh backing utilizing concrete posts. The applicant indicated that the fence specification was satisfactory.

- The main outstanding item left regarding the subdivision is the issue of water and sewer facilities. The site is located partially within Sellersville Borough (served by Sellersville Borough) and partially within Hilltown (served by HTWSA). The applicant has approached both parties with respect to resolving who will serve the site. Sellersville Borough desires to serve the entire site with public water, which are not readily accessible to the site by HTWSA. The plan currently shows the Hilltown portion of the site to be served by public sewer facilities from HTWSA and the Sellersville Borough portion to be served by Sellersville Borough public sewer facilities. The applicant has requested that the entire site be served by HTWSA public sewer facilities.

The applicant was advised that in the event the Board grants preliminary approval subject to resolution of all outstanding items, including water and sewer service, the final plan should not be submitted for consideration by the Planning Commission until resolution of water/sewer facilities between the two authorities.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary plan approval to the Penn Foundation II Subdivision, pending completion of all outstanding items as found in the December 27, 2006 engineering review and as specifically noted above. There was no public comment.

3. H. Ronald Nyce Subdivision (Preliminary/Final) – The lot line adjustment subdivision located on Keystone Drive was unanimously recommended for preliminary/final approval by the Planning Commission subject to completion of outstanding items as contained within the January 5, 2007 engineering review. Waivers requested by the applicant as referenced in item #2 of the engineering review and contained within the Mease Engineering correspondence dated December 22, 2006, were also unanimously recommended for approval subject to completion of improvements as shown on the plan, which include extension of the existing concrete box culvert, installation of riprap at the box culvert discharge, and installation of a 4 ft. wide stabilized shoulder, and installation of 58 lineal feet of guide rail. Mr. Wynn noted that these improvements were recommended upon consultation with Mr. Buzby, Director of Public Works.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to recommend conditional preliminary/final plan approval to the H. Ronald Nyce Subdivision, pending completion of outstanding items as noted in the January 5, 2007 engineering review. There was no public comment.

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

1. The Preserves (Smith Tract) Subdivision – Compliance Issues – Mr. Wynn's correspondence dated January 15, 2007 regarding the ongoing problem with the Elliott Building Group and compliance with the approved plan and Township requirements was discussed. Mr. Wynn advised that the Smith Tract Subdivision is an approved plan, which is not yet recorded, and for which development agreements have not yet been executed. Work commenced on public improvements at the site, however since that time, neither the contractor nor the Elliot Building Group has been obedient to requirements of the approved plan, erosion and sedimentation control plan, etc. Mr. Wynn requested that action be taken by the Board in consultation with the Township Solicitor to prevent any further construction activity at the site, with the exception of the necessary erosion and sedimentation, and stormwater issues contained within the January 15, 2007 correspondence, until a Development/Financial Security Agreement is executed. In the future, Solicitor Grabowski recommended that the Township not permit any developer to begin site work until a Development Agreement is executed and in place. Lengthy discussion took place.

Motion was made by Supervisor McIlhimey, seconded by Supervisor Salvadore, and carried unanimously to authorize a meeting with Township staff and the developer of the Preserves to inform them, in no uncertain terms, that no further site work shall take place until the Development Agreement and Financial Security Agreement is in place and the escrow is guaranteed.

Public Comment:

1. Mr. Gene Cliver of Telegraph Road questioned the Township's authority to monitor or dictate what a developer can do on private property.

Motion carried unanimously. There was no further public comment.

2. Road Restoration/Utility Construction Within Right-of-Way – HTWSA – There have been ongoing coordination difficulties between Mr. Wynn's office and the Hilltown Authority's engineer, Castle Valley Consultants, as well as the Hilltown Authority's subcontractors, and developers with respect to utility construction on public roadways. Historically, construction and restoration of public roadways for water and sewer installation within areas of HTWSA jurisdiction have been performed by the Hilltown Authority. This has created a problem with respect to maintenance of utility trenches, especially when utility construction is not ongoing and HTWSA is not routinely visiting the development site. Mr. Wynn recommended the following steps be considered by the Board of Supervisors for implementation:

- All utility trench backfill, road restoration, traffic control, and utility trench maintenance inspection responsibilities will be assigned to the Township Engineer's office. The HTWSA Engineer will continue to inspect the utility lines and immediate backfill around those utility lines.
- Future development agreements of both Hilltown Township and HTWSA will indicate the above and escrow funds for trench restoration, roadway restoration, traffic control, and maintenance, etc. will be included within the Township financial security.
- Future development agreements of both Hilltown Township and HTWSA will indicate the above and escrow funds for trench restoration, roadway restoration, traffic control and maintenance, etc. will be included within the Township financial security.
- Development/Financial Security Agreements will include requirements that all subcontractors performing utility work in conjunction with the development must obtain Highway Occupancy Permits for the Township, including UGI, PP&L, and HTWSA. Currently, in the area of Creamery Road, there has been additional problems with PP&L relocating poles without adequate traffic control.
- Future Development/Financial Security Agreements should include language, which will require immediate street repairs as determined necessary by the Township or Township Engineer for any damage to public streets due to construction activity at development sites. In the event immediate repairs are not accomplished by the developer, Development/Financial Security Agreement should provide that the Township may make the repairs either by its own personnel or by a subcontractor, with all costs for those repairs to be born by the developer.

The issues relative to HTWSA water and sanitary sewer trenches were discussed with Mr. Groff, Manager of the Hilltown Authority, who is aware of the concerns of the Township and Mr. Wynn relative to maintenance of traffic control and utility trenches. Mr. Groff concurs that the Authority's engineer is typically not visiting the site with nearly the frequency of Mr. Wynn's office since their involvement is with the water and sewer lines only.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize the recommendation by the Township Engineer to modify the Development Agreements as noted above. There was no public comment.

3. Orchard Hill Subdivision – Acceptance of Completion of Maintenance Period – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept completion of the maintenance period for Phase I, II, III, and VI for the Orchard Hill Subdivision and to return the escrow fund relative to those phases. There was no public comment.

4. Hilltown High School Slate Roof Replacement Status Report – Mr. Wynn advised that the broken window at the site has been repaired by Gen II Contracting Company, Inc. The final issue to resolve is the damage done to the lawn by their construction activity. Mr. Knight requested that this work be accomplished by the Township, and he would then credit the Township for the cost of completion. Mr. Wynn obtained a quote by J.F. Landscaping, Inc. in the amount of \$1,710.00 in the event the work is contracted by the Township. Mr. Knight has indicated that the cost is acceptable to him and would submit a bill to reflect that credit.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to reduce the contract price for the Hilltown High School Slate Roof Replacement by \$1,710.00 to reflect an assessment to the contractor for the damage done to the lawn, as noted above. There was no public comment.

5. Buffer Ordinance/Bed and Breakfast Ordinance – Authorization to Advertise – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize the advertisement of the proposed Buffer Ordinance and the proposed Bed and Breakfast Ordinance for Public Hearing and possible adoption at a future meeting. There was no public comment.

***9:07PM – Chairman Manfredi called for a short recess. The meeting was reconvened at 9:15PM.**

I. OLD BUSINESS:

1. Bids for Sale of Used Vehicles – Bid results are as follows:

Bid #2007-1(A) – 1977 Dodge W-20 Pick-Up Truck

- Bob's Auto Body and Sales - \$101.99

Bid #2007-1(B) – 1977 Dodge W-20 Pick-Up Truck

- Nice Contractors, Inc. - \$500.00

- Bob's Auto Body and Sales - \$101.99

Bid #2007-1(C) – 1987 GMC 7000 Diesel Dump Truck

- Nice Contractors, Inc. - \$4,700.00

- Bob's Auto Body and Sales - \$1,201.99

Bid #2007-1(D) – 1992 GMC Top Kick Dump Truck

- Nice Contractors, Inc. - \$7,600.00

Bid #2007-2(A) – 1999 Ford Crown Victoria

- Bob's Auto Body and Sales - \$1,001.99

- Nice Contractors, Inc. \$500.00

Bid #2007-2(B) – 2000 Ford Crown Victoria

- Bob's Auto Body and Sales - \$1,101.99

Bid #2007-2(C) – 2001 Ford Crown Victoria

- Bob's Auto Body and Sales - \$1,201.99

Bid #2007-2(D) – 2003 Ford Crown Victoria

- Bob's Auto Body and Sales - \$1,301.99

Bid #2007-2(E) – 2004 Ford Crown Victoria

- Bob's Auto Body and Sales - \$1,401.99

- Scott Logue, Remax 440 Realty Inc. - \$1,050.00

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to award bids for used vehicles to the highest bidders as noted above. There was no public comment.

2. Appointment of Planning Commission Members – *9:17PM – **The Board of Supervisors recessed and entered into Executive Session in order to discuss possible appointments to the Planning Commission vacancies. The meeting was reconvened at 9:45PM.**

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to appoint Mr. Kirk Hansen to complete the remainder of a two-year term (to expire 12/31/08) on the Hilltown Township Planning Commission. There was no public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint Ms. Lori McCauley to a four-year term (to expire 12/31/10) on the Hilltown Township Planning Commission. There was no public comment.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to appoint Mr. Jeff Lapp to a four-year term (to expire 12/31/10) on the Hilltown Township Planning Commission. There was no public comment.

Due to Mr. Lapp's appointment to the Planning Commission, Supervisor McIlhinney noted that there is now a vacancy on the Hilltown Open Space Committee. He also advised that there is currently a vacancy on the Park and Recreation Board.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to appoint Mrs. Marilyn Teed to complete the remainder of a five-year term (to expire 12/31/07) on the Hilltown Township Park and Recreation Board. After consideration, Supervisor Salvadore was opposed. Motion carried 2:1. There was no public comment.

The Board authorized the advertisement of the vacancy on the Hilltown Open Space Committee.

3. Village Centers in Hilltown Township – For discussion purposes, motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to consider establishing the next steps for the Hilltown Village and/or other Village Center Districts in the Township.

The Board determined that a Planner should be selected before moving forward with review of the Village Center Zoning Districts.

4. Pileggi Property Re-Zoning Request – Correspondence was received from Mr. Pileggi's legal counsel, seeking the board's consideration of his client's previous request to re-zone his property located near the intersection of Rt. 113 and Rt. 313 (Stone Depot) from RR to PC-2.

Motion was made by Supervisor McIlhinney to deny Mr. Pileggi's request to consider rezoning the Stone Depot property at this time. No vote was taken. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road believes that Mr. Pileggi's Stone Depot property, which is located in the RR District, is operating under an approved Nursery Permit. It is Chairman Manfredi's understanding that Mr. Pileggi entered into an agreement with the Township, which permits that use on the site. Mrs. Teed noted that the Stone Depot property is operating under an A-2 Nursery Permit, the same exact permit she applied for on her property in 2001, but which was denied by the Township.

The Board directed Mr. Bennington to advise Mr. Pileggi that the Township is considering all future growth and development along the Rt. 113/Rt. 313 corridor and

vicinity, and that all requests for rezoning in that area will be discussed in greater detail at a future meeting, once a Township Planner has been appointed.

5. Authorization to Advertise Codification Traffic Schedule Ordinance (Chapter 153) – Motion was made by Supervisor Salvadore, and seconded by Supervisor McIlhinney, to authorize the advertisement of the Codification of the Traffic Schedule Ordinance (Chapter 153) for Public Hearing at the February 26, 2007 meeting.

Public Comment:

1. Mr. Joe Marino of Redwing Road questioned the procedure involved with having a speed limit posted on a cul-de-sac street.
2. Mr. Gene Cliver of Telegraph Road challenged the Board's authority to legislate zoning laws as to what can be done on private property.

Motion carried unanimously. There was no further public comment.

J. NEW BUSINESS:

1. Use of Township Facility –Supervisor McIlhinney requested that the Board discuss and consider the use of Township property, specifically the lobby of the municipal building, by a private organization (Civic Association) for their display case, which was installed over 10 years ago.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to authorize the use of the municipal building lobby space for Township administration only, and not for private organizations. Prior to a vote, discussion took place.

Mr. Bennington explained that the Civic Association's display case currently houses archival documents, materials, and photographs, which were previously stored in the building at the Civic Park. When the Civic Association sold that property to the Township for \$15,000.00, they lost the use of that building for storage, and were granted permission by a previous Board of Supervisors to house those documents in the display case that currently exists in the lobby. Supervisor McIlhinney does not believe that any one private organization should be granted special consideration for permanent use of the municipal building lobby space. In principle, Chairman Manfredi understands Supervisor McIlhinney's concern, however he would like to work with the Civic Association, over time, to find a solution to their storage problem. Supervisor Salvadore wondered if the Civic Association would be willing to donate the display case to the Township. Lengthy discussion took place.

The Board of Supervisors instructed Mr. Bennington to develop a policy for use of any public building space by private organizations for the Board's consideration at a future meeting.

2. Written Procedure for Board/Committee Interviews/Appointments – At the Reorganization meeting, Mr. Bennington was directed to draft a written procedure for the Board's consideration of the process involved with interviews and vacancy appointments for various Township boards and commissions. After discussion, the Board directed Mr. Bennington to make the following language revisions to the policy:

- Item #1 should state, "Township Secretary will **notify the Board of Supervisors** which Board/Committee positions expire at the end of the current year, and confirm any other vacancies."
- Item #2 should state, "Township Secretary will advertise that the Board of Supervisors is **accepting** applications for the open and expiring positions. Applications are also available on the Township website."
- Item #9 should state, "At the Reorganization meeting in January, the Board of Supervisors **may** make their selections for vacant and expiring positions."

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to accept the Board/Committee Appointment Policy as drafted by Mr. Bennington and as revised. There was no public comment.

3. Adoption of Emergency Operations Plan – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to **adopt Resolution #2007-13, accepting and adopting the revised Hilltown Township Emergency Management Plan.** There was no public comment.

4. Traffic Safety Committee Report – Chairman Manfredi provided a brief status report of the Traffic Safety Committee meeting of January 16, 2007. He explained that the Committee was formed to discuss, suggest and consider ideas to improve traffic safety throughout Hilltown after a fatal car accident on Township Line Road that claimed the lives of several area youths. Discussion took place.

5. Suburban Equities Sketch Plan Staff Meeting – Notification of a sketch plan meeting with the professional staff and Suburban Equities to discuss a proposal for an industrial flex development at the site located on Bethlehem Pike.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to authorize the Suburban Equities Sketch Plan Staff Meeting as noted above. There was no public comment.

6. Sign Lease Agreement – The proposed Agreement to erect a Deep Run sign on the First Service Bank property at Bethlehem Pike/Rt. 113 was available for signature by the Board following this meeting.

7. Roman Delight Public Sewer Request – Correspondence was received from the owner of Roman Delight, seeking consideration for extending the public sewer/water lines to their restaurant located at the intersection of Rt. 113 and Telegraph Road. Currently, the restaurant is being served by a holding tank, which has become quite costly and inefficient.

Motion was made by Supervisor McIlhinney and seconded by Supervisor Salvadore to consider extending public sewer/water lines to the Roman Delight Restaurant for discussion purposes. Prior to a vote, discussion took place.

Mr. Jim Groff, Manager of the Hilltown Authority, was in attendance to discuss the issue. Correspondence from Mr. Groff indicates that a temporary sewer line is located within Telegraph Road but does not travel completely to Rt. 113. It enters the Pond View Estates site directly across from a new dwelling on Telegraph Road, owned by Mr. Lohan. During discussions concerning Pond View Estates, the developer, Elliott Building Group advised that they are considering two possible scenarios for the tract, either a single-family dwelling development or a commercial use. Due to the developer's hesitation to commit to either option at this time, it was decided that a temporary line would be installed. The Hilltown Authority made it very clear to the Elliott Building Group that this sewer line was temporary and that the ultimate route of the sewer line would travel down Telegraph Road to Rt. 113, then travel parallel to Rt. 113 toward Silverdale to tie into Deerfield Circle once the scope of the project had been finalized. The developer was also advised that they would be responsible for connection to the right-of-way line for the Roman Delight Restaurant, as well as the candy store on the opposite corner and the homes along Rt. 113 between Telegraph Road and Deerfield Circle.

Supervisor McIlhinney amended his original motion to consider extending public sewer/water lines to the Roman Delight Restaurant at a time to be determined by the Township Engineer and the Hilltown Water and Sewer Authority Manager. The amended motion was seconded by Supervisor Salvadore, and carried unanimously. There was no public comment.

8. Peruzzi Sketch Plan Staff Meeting – Notification of a sketch plan meeting with the professional staff and representatives of Peruzzi to discuss the future use and development of a 4.463-acre property located at 2117 Bethlehem Pike.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize the Peruzzi Sketch Plan Staff Meeting as noted above. There was no public comment.

9. Consent Agenda – Chairman Manfredi requested that the Board consider the use of a Consent Agenda and Regular Agenda in considering business at Board of Supervisors meetings and establishing a procedure where each individual member may have a matter of Township business placed on the Board agenda for consideration.

Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to authorize and adopt the use of a Consent Agenda, as noted above. There was no public comment.

K. MYLARS FOR SIGNATURE: Crawford/Deep Run Lot Line Adjustment

L. SUPERVISOR'S COMMENTS:

1. Supervisor McIlhinney requested that the Board determine a date for the special meeting to consider the McGrath Homes issue. Discussion took place. The Board agreed to provide available dates to the Township Secretary by the close of business tomorrow.

M. PUBLIC COMMENT:

1. Mr. Gene Cliver of Telegraph Road wondered under what authority the Township has the right to legislate zoning on private property. Chairman Manfredi explained that the Municipalities Planning Code, which is legislation passed by the General Assembly of the Commonwealth, grants the authority to municipalities to create a Zoning Ordinance. Solicitor Grabowski also referred to a 1954 United States Supreme Court case in Ohio. Mr. Cliver commented that this country was created for all citizens, not just for the wealthy. He is very disappointed that there is no affordable housing for the working class residents of this Township. Chairman Manfredi advised that the price of homes is driven by the market and not by this Board of Supervisors. Discussion took place.

Further, Mr. Cliver questioned the purpose of water retention basins. Chairman Manfredi replied that their purpose is to retain stormwater runoff, and each property must meet the requirements of the Environmental Protection Agency and PADEP.

2. Mr. Joe Marino of Redwing Road felt strongly that the Board should move forward expeditiously with the McGrath Homes proposal. It is his personal opinion that another special meeting is unnecessary, considering the applicant has been before the Township with their request for well over three years. Chairman Manfredi reminded Mr. Marino that the Sunshine Law requires the Board of Supervisors to discuss all proposals at a public meeting. Mr. Marino stated that the three Supervisors have every right to deliberate on the proposal as long as no decisions or votes are taken. Chairman Manfredi disagreed, noting that the discussion of agency business has to occur at a public meeting. Therefore, he stated that an additional special public meeting will be held to discuss the McGrath proposal, to provide direction to the Township professional staff, and move forward from there. Mr. Marino commented that he is very well versed in the Sunshine Law and strongly disagreed with Chairman Manfredi's interpretation of "deliberation."

3. Mrs. Nancy Boice of Mill Road requested that the date of the special meeting for McGrath Homes be posted on the Township website once it has been determined.

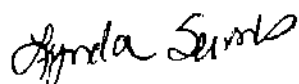
4. Ms. Sandy Williamson of Mill Road believes there has been a huge improvement with intersection safety since the advent of painted stop bars, and stop sign post reflectors. She would discourage the lighting of every intersection, citing the amount of light pollution the Township currently suffers from.

Ms. Williamson presented information concerning a Land Ethics Symposium sponsored by Solebury Township, Bowman's Hill and the Bucks County Commissioners, to be held at the Sheraton in Langhorne on February 15, 2007.

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

O. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously, the January 29, 2007 meeting of the Hilltown Township Board of Supervisors was adjourned at 10:58PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes are not considered official until voted upon at a public meeting by the Board of Supervisors).