

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
Friday, December 1, 2006  
1:00PM**

The December 1, 2006 meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 1:12PM and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman  
Barbara A. Salvadore, Supervisor  
Kenneth B. Bennington, Township Manager  
Christopher Engelhart, Chief of Police  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda S. Seimes, Township Secretary

Chairman McIlhinney announced the Board met in Executive Session prior to this meeting in order to discuss real estate issues.

A. ANNOUNCEMENTS:

1. The second Public Hearing for the McGrath Homes Re-Zoning Request will be held on Monday, December 11, 2006 at 6:00PM.
2. The Board of Supervisors meeting originally scheduled for Tuesday, December 26, 2006 has been cancelled.
3. A Conditional Use Hearing will be held at 1:30PM today to consider the request of Sprint/Nextel for the installation and attachment of a 135 ft. monopole as a requested F-6 Zoning Use, Cellular Telecommunications Facility, adjacent to an existing PECO transmission tower on Upper Stump Road.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Harry Mason of Morgan Lane pointed out a typographical error in the draft Snow and Ice Ordinance, in Section 2, Item 2, which should state "In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection 1 hereof, cause enough **sand** or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty inches (30") in width."

2. Mrs. Eleanor Cobb of Rickert Road applauded the Board for considering a Resolution establishing a policy for transparent and open government. She requested that the Board refrain from using acronyms, which may not be familiar to the general public, when discussing various issues. She also requested that the Township's development map showing proposed and in-progress subdivisions be updated on a more regular basis.

C. APPROVALS – Action on the minutes of the October 23, 2006 Supervisors Meeting, and Bills List dated December 4, 2006 – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the October 23, 2006 Supervisor's meeting and to approve the Bills List dated December 4, 2006, as written. There was no public comment.

D. PROPOSED 2007 BUDGET: The following budgets were proposed for adoption:

General Fund	\$4,988,922.00
Fire Fund	\$ 159,000.00
Operating Reserve Fund	\$ 311,500.00
Open Space Fund	\$2,042,894.00
Park and Recreation Fund	\$ 354,233.00
Road Equipment Fund	\$ 247,833.00
Debt Service Fund	\$ 293,000.00
State Highway Aid Fund	\$ 358,167.00

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to adopt the proposed fiscal year 2007 Budgets as presented. There was no public comment.

E. MANAGER'S REPORT/PUBLIC WORKS REPORT/ZONING REPORT – Supervisor Manfredi suggested that the Board schedule a date and time to set goals and objectives for the Township Manager for 2007.

1. 2007 through 2009 Non-Uniform Employees Contract – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the 2007-2009 Non-Uniform Employees Contract. There was no public comment.

F. WATER AND SEWER AUTHORITY REPORT – Mr. Jim Groff, Authority Manager – Mr. Groff read the Hilltown Authority Report for the month of November 2006; a copy of which is on file at the Township office. For the Board's consideration, Mr. Groff provided a General Utility Easement for Well #1 located on Thistle Lane in the

Pleasant Meadows Subdivision, outlining the existing features and additional area being requested. It is the intent to relocate Well #1 in order to handle iron and manganese.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to accept and authorize the execution of the Hilltown Township Water and Sewer Authority's General Utility Easement for Well #1, as outlined above. There was no public comment.

G. ZONING HEARING BOARD REPORT – No one was present. The Zoning Hearing Board Report for the month of November 2006 is on file at the Township office.

H. OPEN SPACE COMMITTEE REPORT – No one was present. The Open Space Committee Report for the month of November 2006 is on file at the Township office. Discussion took place. The Board directed Mr. Bennington to provide the Open Space Committee with a priority listing of properties that have been identified for possible acquisition by the Township, and further directed him to reschedule a joint meeting with the Open Space Committee, possibly prior to the February 12, 2007 Supervisor's Meeting.

I. HILLTOWN FIRE COMPANY REPORT – Mr. Robert Grunmeier, Fire Chief – Mr. Grunmeier presented the Hilltown Fire Company Report for the month of November 2006; a copy of which is on file at the Township office.

**\*1:30PM – Chairman McIlhinney recessed the December 1, 2006 Supervisor's meeting in order to enter into the advertised Conditional Use Hearing for Sprint/Nextel requesting approval of its Conditional Use Application for the installation and attachment of a 135 ft. monopole as a requested F-6 Zoning Use, Cellular Telecommunications Facility, adjacent to an existing PECO transmission tower (No. 19-1/5017) on TMP #15-35-64-1, which real estate is situate on Upper Stump Road within Hilltown Township and is owned by the PECO Energy Company. Additionally, Sprint/Nextel proposes the construction of an eighteen-foot by thirty-eight foot fenced compound immediately adjacent to the proposed monopole with the compound to contain Sprint/Nextel's equipment. The location of the proposed use is within the Rural Residential Zoning District.**

**\*\*Please note: The fully executed Decision of the Hilltown Township Board of Supervisors in this matter is attached to these minutes and constitutes the minutes of this Public Hearing.**

Solicitor Grabowski noted that the Conditional Use Hearing was advertised in the Doylestown Intelligencer, and was appropriately posted by the Hilltown Township Zoning Officer upon the property on November 24, 2006. Legal Notice was sent to all

individuals listed by the applicant as being adjacent property owners. Mr. Wynn's review letter dated November 14, 2006, along with an excerpt of the minutes of the Hilltown Township Planning Commission dated November 20, 2006 was also accepted into the record for discussion and consideration.

Mr. Edward Wild, legal counsel for the applicant, was in attendance to present the plan, along with the following representatives of the applicant to provide testimony – Mr. Roger Johnson, Project Engineer; Mr. Brian Eicens, Radio Frequency Engineer; and Mr. Timothy Manning, Nextel Site Representative; all of whom were duly sworn by the Court Stenographer. The following Entries of Appearance were also provided in writing – Harley and Kenneth Smith of 120 Middle Road, Virgil and Sylvia Miller of 20 Middle Road, and Stephen J. Wargo of 1220 Upper Stump Road.

**\*2:48PM – Chairman McIlhinney called for a short recess. The Conditional Use Public Hearing was reconvened at 3:00PM.**

Testimony in the Sprint/Nextel Conditional Use Hearing continued.

**\*3:50PM – Chairman McIlhinney called for a short recess. The Conditional Use Public Hearing reconvened at 4:10PM.**

Following extensive testimony and questions/comments by the Board of Supervisors, those that had received party status, and the general public, motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to grant the Sprint/Nextel's request for the Conditional Use subject to the following conditions:

1. The proposed telecommunications tower shall not exceed the height of 148 ft., and when attached to the existing Philadelphia Electric Company transmission tower No. 19-1/5017, shall be less than 25 ft. higher than said existing PECO transmission tower No. 19-1/5017.
2. The telecommunications proposed building shall have dimensions not exceeding 12 ft. by 20 ft. with a pitched roof compatible with existing residential homes in the RR Zoning District in which the proposed use is proposed.
3. The applicant, at the time of submission of an application for a building permit, shall provide a certification of a Pennsylvania licensed professional structural engineer of compliance with the design ability of the proposed telecommunications tower to withstand wind speed of 100 miles per hour or less both as a freestanding tower and also in conjunction with its proposed physical attachment to the existing PECO tower No.

19-1/5017; and said certification shall include all appropriate calculations used to prove said certification results.

4. The applicant shall comply with all other requirements of the Hilltown Township Zoning Ordinance of 1995, as amended; and shall also comply with all of the requirements of the Hilltown Township Engineer's letter of November 14, 2006 (Exhibit B-6).

Prior to a vote, Supervisor Salvadore stated that she was disturbed that Mr. Smith and other neighboring property owners were not notified of the applicant's proposal, though she appreciates that Mr. Wild has taken responsibility for that error. She also expressed concern with the safety of the tower. Supervisor Salvadore and Chairman McIlhinney hope that PECO will continue to offer Mr. Smith's father life-rights to farm the remainder of the property, even though a written agreement might not exist. Supervisor Manfredi encouraged Sprint/Nextel and PECO to extend a formal apology to the neighboring property owners who were not properly notified of their proposal, and would also encourage dialogue and discussion with those individuals before moving forward with this proposal.

Motion carried unanimously. There was no public comment.

Solicitor Grabowski explained that a rendering of a written decision and written Findings of Fact is required within 45-days after the last hearing before the Board of Supervisors. Since the Supervisors will be meeting on December 11, 2006 to hear the McGrath Homes Re-Zoning Request, Solicitor Grabowski will prepare those documents for execution that evening.

**\*4:20PM – Chairman McIlhinney adjourned the advertised Conditional Use Public Hearing and called for a short recess. The regularly scheduled Hilltown Township Board of Supervisors meeting of December 1, 2007 was reconvened at 4:25PM.**

J. CONFIRMED APPOINTMENTS: None.

K. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Hilltown Ridge Phase II Agreements – Motion was made by Supervisor, Manfredi, seconded by Supervisor Salvadore, and carried unanimously to accept the Hilltown Ridge Phase II Subdivision/Land Development Agreement, and Financial Security Agreement, and to **adopt Resolution #2006-46 accepting the Street Light Resolution for the Hilltown Ridge Phase II Subdivision.** There was no public comment.

2. Penn Foundation Subdivision – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvatore, and carried unanimously to **adopt Resolution #2006-47, Road Frontage Easement Agreement for the Penn Foundation Subdivision**. There was no public comment.

3. Hilltown Ridge/Reserve Phase I – Substitution Agreement – Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to approve and accept the Substitution Agreement for Phase I of the Hilltown Ridge/Reserve at Hilltown Subdivision. There was no public comment.

4. Codification Traffic Schedule Ordinance (Chapter 153) – Solicitor Grabowski presented the Board with the revised Traffic Schedule Ordinance, in codified form, which now includes all Ordinances of the Township concerning traffic regulations as well as various new stop sign controls, traffic and speed limitations, etc. The proposed Traffic Schedule Ordinance is now being reviewed by Chief Engelhart and Mrs. Seimes to insure that all information is accurate. Solicitor Grabowski hopes to request authorization of advertisement at the January 2007 meeting.

5. Supervisor Manfredi mentioned an item on Solicitor Grabowski's Report, which suggests that the Board might wish to address a possible amendment to the Zoning Ordinance to eliminate the possibility and risk of litigation similar to that of Richland Township with respect to the use of the Fairhill Road open space property and other open space properties. Supervisor Manfredi suggested that the Township Solicitor be authorized to draft an amendment to the Zoning Ordinance for the Board's consideration, which addresses the issue of open space properties as noted above. Supervisor Salvatore and Chairman McIlhinney were in agreement.

Supervisor Manfredi also noted that the Township received a request from both the Hatfield Authority and the Pennridge Authority to adopt new pre-treatment criteria, with both requests under the guise of compliance with the Clean Streams Act and requirements of EPA. Solicitor Grabowski advised that the Resolution proposed by the Hatfield Authority is acceptable, however the Exhibit appeared to have inaccurate maximum requirements. He has asked the Hatfield Authority Solicitor to examine the Exhibit, though no response has been received as of this date. The Pennridge Authority has requested the adoption of an Ordinance, however Solicitor Grabowski believes that the adoption of a Resolution would be acceptable to EPA. The Board was in agreement that Solicitor Grabowski should move forward with this matter.

6. Subdivision Ordinance Section 124-2.A (Mandatory Sewer Connection Ordinance) – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvatore, and carried unanimously to authorize the advertisement of the Subdivision

Ordinance Section 124-2.A (Mandatory Sewer Connection Ordinance) for Public Hearing at the January 2007 Board of Supervisor's meeting. There was no public comment.

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

1. DRVSA/Crawford Lot Line Adjustment – Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan. Mr. Wynn's November 1, 2006 engineering review was discussed. This lot line adjustment plan prepared for the Estate of Walter Burnett Crawford and Deep Run Valley Sports Association, Inc. was unanimously recommended for preliminary/final approval by the Planning Commission conditional upon completion of outstanding items as contained within the November 1, 2006 engineering review, with unanimous recommendation of approval of all waivers requested by the applicant as referenced in Item #3 of the engineering review and October 10, 2006 correspondence from Cowan Associates, Inc. With respect to Item #2, the applicant has agreed to identify existing plantings and new fence installed along the proposed rear property boundary of TMP #15-28-176 and to identify the buffer yard, however no plantings are required to be installed at this time.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, seconded by Supervisor, and carried unanimously to grant conditional preliminary/final plan approval to the DRVSA/Crawford Lot Line Adjustment, pending completion of all outstanding items as noted in the November 1, 2006 engineering review, including granting all waivers requested by the applicant, and with the additional requirements as listed above. There was no public comment.

2. Telford Borough Authority Well #7 Land Development Waiver Request – Mr. Patrick Digangi, the applicant's engineer, and Mr. Mark Fournier, the Telford Borough Authority Manager, were in attendance to present the plan. Mr. Wynn's November 8, 2006 review was discussed. The request to waive submission of the land development plan for proposed improvements to Well #6 located within the Heavy Industrial Zoning District in the vicinity of the Route 309 bypass was unanimously recommended for approval by the Planning Commission, conditional upon Zoning Hearing Board approval of encroachment of the 4' X 7.5' building addition to building setback (yard) area.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to grant the Land Development Waiver Request of Telford Borough Authority for Well #7, conditional upon the Zoning Hearing Board approval of encroachment of the 4 ft. by 7.5 ft. building addition to building setback (yard) area, and pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated November 8, 2006. There was no public comment.

3. White Chimney Farm (Final) – Mr. Chris Canavan of W.B. Homes, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan. The Planning Commission unanimously recommended final plan approval of the Estate at White Chimney Farm Subdivision conditional upon completion of all outstanding items as contained in the November 9, 2006 engineering review.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to grant conditional final plan approval to the White Chimney Farms Subdivision, pending completion of all outstanding items as contained in the November 9, 2006 engineering review.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road asked the location of the subdivision and asked if the site was to be served by public water or on-lot wells. Mr. Canavan replied that the site is located at the intersection of Blue School and Schwenkmill Roads, and is proposed to be served by public water from the Hilltown Township Water and Sewer Authority.

Motion carried unanimously. There was no further public comment.

4. Gwen Kratz Subdivision Planning Modules – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-48, approving the Gwen Kratz Subdivision Planning Modules for submission to DEP.** There was no public comment.

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

1. Wynnefield Estates Subdivision Extension Request – Correspondence was received from Garis Homes requesting an extension to complete improvements required pursuant to the Wynnefield Estates Subdivision Plan and Development/Financial Security Agreement until June 30, 2007. The major item remaining to be completed is wearing course overlay of the internal streets that cannot be accomplished until Spring 2007 due to weather conditions. Completion of improvements within the development is guaranteed via escrow funds. Discussion took place.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant an extension to Wynnefield Estates Subdivision until June 30, 2007 for completion of the outstanding items. There was no public comment.

2. Fedele Subdivision Status Report – Mr. Wynn provided a status report of completion of improvements and costs involved with the Fedele Subdivision. He



explained that without direction from the Township, the applicants completed some outstanding items. The Township secured a contractor to install and correct drainage issues on the pedestrian path, which has been accomplished for less money than had been estimated. All of the items on the punchlist that were not complete as of August 2006 have been accomplished, with the exception of the repair of the pedestrian path and installation of the wearing course material where the trench box was installed across the path, which will be accomplished by the Public Works Department in the spring, utilizing developer's funds.

Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of improvements required pursuant to the Fedele Subdivision Development and Financial Security Agreements, and to commence the 18-month maintenance period required pursuant to those Agreements, and to authorize reduction of the Township-held escrow funds to 15% of the initial escrow required to be retained to commence the maintenance period, plus \$1,000.00 for asphalt path repair/completion (Item #4 of the 8/22/06 recalculation of escrow funds previously forwarded to the applicant via Voucher 12A, dated August 24, 2006). There was no public comment.

3. Keystone Drive Culvert Repair Bid Award – Repairs to the Keystone Drive culvert were re-advertised for bid opening on November 30, 2006. Bid results are as follows:

Anthony Biddle Contractors	\$ 69,350.00
Nimaris Construction	\$ 78,980.40

This bid is to repair the wall on the downstream side of the bridge, which collapsed during flooding last spring. Due to the time constraints involved with providing numbers to FEMA/PEMA, Mr. Bennington advised that an estimate had to be obtained quickly, and now the numbers are low in relationship to the bid. Funds have been received from FEMA in the amount of \$42,000.00. However, after speaking to the PEMA representative this morning, Mr. Bennington would suggest that he and the Township Engineer provide FEMA/PEMA with additional paperwork on the scope and specifications of the project in order to request supplementary funding. Mr. Wynn also asked the Board to consider whether or not repairs to one side of a very old structure that is in poor condition is worth \$70,000.00 of expenditures. He explained that the opposite side of the bridge structure is in very poor condition and may collapse in a year or two. Mr. Wynn suggested that the Board consider complete replacement of the entire structure. Discussion took place.

Supervisor Manfredi suggested that Solicitor Grabowski review this and all future bid submissions for compliance. Chairman McIlhinney agreed.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to table the bids submitted for the Keystone Drive Culvert Repair, as noted above. There was no public comment.

4. Hartzell-Strassburger Repair Bid Award (CDBG Funding) – Mr. Wynn advised that no bids were received by the advertised bid opening date of November 30, 2006 for the repair work to the Hartzell-Strassburger Homestead through Community Development Block Grant Funding. Since this is the second time that no bids have been received, Mr. Wynn believes that the Township can now secure a proposal from a contractor, and with the County's approval, hire a contractor without further advertising. Discussion took place. No action was taken at this time.

5. Hilltown High School Roof Replacement Status Report – Mr. Wynn provided a status report of the roof replacement project/change order. Approximately 2 ½ weeks ago, Mr. Wynn received an additional contract Change Order from the contractor for the additional sheathing that was installed on the roof. He phoned the contractor, Gen II, advising that the cost and scope of work submitted was not what was initially discussed. Gen II had previously indicated that they would provide a Change Order that would specify the material cost, amount of material required, equipment costs, and labor. At the time, Mr. Wynn had also alerted the contractor of damage that had been done to the lawn area by the construction activity and a broken window. Since that time, Mr. Wynn has not heard from the contractor, a bill for the project has never been received, the window remains broken, and the lawn has not yet been repaired, nor has a Change Order been received. Discussion took place.

N. OLD BUSINESS –

1. Proposed Zoning Ordinance Amendments – The Board discussed and considered the following proposed Zoning Ordinance Amendments.

a. Snow and Ice Removal Ordinance – It was noted that there is a typographical error on page one, last paragraph, where the word "said" should be changed to the word "**sand**," as pointed out earlier by Mr. Mason. Discussion took place. The Board directed Solicitor Grabowski to change the language of that paragraph to state "In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection 1 hereof, cause enough **abrasive material** to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty (30") in width."

At the Board's direction, Mr. Bennington and Solicitor Grabowski met with Mr. Fisher, the Director of Transportation of the Pennridge School District on October 31<sup>st</sup> to review the walking areas for the schools located in Hilltown Township. The only school where there are actually students walking to school is the Penn Central Middle School located in Silverdale Borough. Mr. Fisher provided the Township with a map showing the streets located within Penn Central's walking parameters, however there are additional streets that the Board of Education will be considering early next year, which may be added to that map. The following streets are currently considered those from which students may be walking to Penn Central – Applewood Dr., Peachtree Dr., Cranberry Circle, Crabapple Dr., Sterling Dr., Gentry Dr., Deerfield Circle, and Deerfield Place. The School District is hoping to add Fox Lane, Longleaf Drive, Beech Lane, Morgan Lane, Victoria Lane, Brittany Lane and Timber Court in February of next year. Discussion took place.

Supervisor Manfredi suggested that language be incorporated into the Ordinance that identifies the streets, but would permit amendment of the Ordinance by Resolution to add and/or delete other streets in the future.

Discussion took place concerning Section 3, "Authority for Township to Do Work at Expense of Person Responsible," which allows for the Township Manager to direct the Public Works Department to accomplish that work if the resident fails to do so. When and if this Ordinance goes into effect, Supervisor Manfredi suggested that correspondence be sent to each property owner along the established walking route to advise them of the requirements for snow removal, and to also create a database of contact information so that the Township Manager can contact any individuals who may not remove the snow and ice from the sidewalk, prior to having that work accomplished by the Public Works Department.

Chairman McIlhinney asked how many children are currently walking to the Penn Central Middle School. Mr. Bennington replied that Mr. Fisher had not been specific as to the number of students who currently walk to school.

Public Comment:

1. Mr. Larry Woodward of Keystone Drive felt the Board should consider making this snow and ice removal requirement Township-wide, rather than limiting it to specific streets. He cited the fact that there are children living in the new developments, such as the Reserve at Hilltown/Hilltown Ridge, who will be walking several blocks to reach their school bus stop. Lengthy discussion took place.

The Board directed the Township Manager and Township Solicitor to provide a final draft for further consideration as soon as practically possible.

b. Accessory Family Residence Ordinance – The Supervisors reviewed the latest draft of the Accessory Family Residence Ordinance. Lengthy discussion took place concerning Article 1, Section (b)(2), which addresses the occupancy of relatives, and who that would encompass. The proposed amendment currently includes the following – children, parents, brothers, sisters or their children, grandparents, uncles, aunts or children of uncles or aunts. Solicitor Grabowski advised that the Zoning Ordinance contains a definition of “family,” which is very broad, and, the interpretation of the definition of “family” by the Courts can be even broader. Chairman McIlhinney suggested that the definition of family as currently found in this draft Ordinance remain, with a clause added that a resident could appeal to the Board of Supervisors, on a case-by-case basis, if what they consider “family” has not been defined. Supervisor Salvadore also noted that in-laws and stepchildren, parents and/or siblings has not been addressed.

After discussion, the Board agreed that Solicitor Grabowski should add a clause addressing family relationships that may not be clearly defined in the Ordinance to appeal to the Board of Supervisors for a determination of what is not herein defined.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to direct the Township Solicitor to forward the draft Accessory Family Residence Ordinance Amendment to the Bucks County Planning Commission and the Hilltown Planning Commission for review; and if there are no substantive changes, authorized the Township Solicitor to advertise the proposed Ordinance for Public Hearing.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road stated that there are individuals who consider many people to be their family members or relatives.

Motion passed unanimously. There was no further public comment.

c. Farmstead Ordinance – Mr. Wynn advised that this amendment has been revised pursuant to discussions at the October 23<sup>rd</sup> Supervisor’s meeting with the latest revisions shown in red. Specifically, the setback for buildings for the keeping or raising of livestock has been revised to 100 ft. from the side or rear property boundary eliminating the requirement that the buildings be set back at least 100 ft. from the front property boundary or street line. In order to provide consistency with agricultural uses (Use A1), Article I of the amendment would revise Use A1, Agricultural and Horticultural Uses in the same manner, allowing buildings within 100 ft. of a street line (front property line) to be used for the keeping and raising of animals.

Chairman McIlhinney noted that the words "Conservation Management District" should be removed and replaced with the words "Rural Residential District."

Chairman McIlhinney advised that the original intent of this Ordinance was to address farms that were being developed by finding new ways for a property owner to retain the original farmstead and save it from demolition.

Public Comment:

1. Mr. Joe Marino of Redwing Road asked for clarification of the keeping and raising of livestock in buildings located close to a roadway. Mr. Wynn explained that the setback requirement is no longer from the roadway, rather the setback is now only from the side yard line. Mr. Marino was also not comfortable with the idea that someone could construct a new dwelling and call it a "farmstead." Chairman McIlhinney agreed and felt the word "farmstead" should be more clearly defined. Mr. Wynn suggested that language be added that the property had to be a designated farmstead lot pursuant to a specific subdivision plan. For instance, the White Chimney Farms site would be considered a qualifying "farmstead lot," while no one else who happened to own 3 acres could become a farmstead lot through development. Supervisor Manfredi suggested that residents could be required to have a Certificate of Farmstead Conformity. Lengthy discussion continued.

2. Mrs. Eleanor Cobb of Rickert Road referred to a recent incident in Richland Township where property owners sought approval to raise monkeys for experimental purposes. This proposed Ordinance amendment permits the keeping and raising of "fur-bearing animals," which would include monkeys. Chairman McIlhinney noted that monkeys are not fur-bearing animals. Discussion took place.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to direct the Township Solicitor and Engineer to draft suitable language for redefinition of "farmstead" to the Board's satisfaction, and then to forward the draft Ordinance Amendment to both the Bucks County and Hilltown Planning Commissions for further review. There was no further public comment.

d. Trades Business Ordinance – Mr. Wynn explained that this use was revised to a Conditional Use and to incorporate various requirements for Use I(1), Home Occupation. Specifically, new sections include C, D, F, J, and L. Prior Section H, relative to impervious surface, has been removed since this statement is unnecessary. Additionally, Section G requires that all commercial vehicles be parked on-lot in a garage or enclosed structure, and Section J limits hours of operation to between 6:30AM and 7:00PM with no trades business operated on any Sunday or holiday.

Supervisor Manfredi felt that the term "commercial vehicle" must be more clearly defined. Supervisor Salvadore expressed concern with no limitation being placed on the amount of additional employees permitted, or the amount of additional commercial vehicles permitted for properties in excess of 4 acres. Chairman McIlhinney agreed, and suggested that the lot size should be capped at 10 acres.

It was Supervisor Manfredi's understanding that the original intent of this Ordinance was to assist individuals with a trade business, i.e. carpenters or electricians, to supplement their income by utilizing the property for a trades business. Chairman McIlhinney recalls that the original intent of this Ordinance was to allow property owners with three or more acres to use the site to conduct a trades business so that they would not be forced to subdivide into 50,000 sq. ft. lots. Supervisor Manfredi commented that he would be opposed to a commercial business operating in a residential district. Mr. Wynn noted that no trades businesses are permitted by-right in any zoning district, and that a Conditional Use is required for permission to conduct a trades business in the RR District or CR-2 District. Supervisor Manfredi feels the regulations should be even more narrow and limited. Supervisor Salvadore would support discussion of more limited requirements.

Solicitor Grabowski advised that the Zoning Ordinance presently does not contain a definition of a Commercial Vehicle, however he referred to the definition of "Truck and/or Bus Storage Facility," which contains a sentence that states "A commercial-type truck or van is defined as a vehicle primarily utilized for a commercial purpose, and is exclusive of privately owned pick-up trucks, vans and jeeps primarily utilized for recreational, non-commercial private uses. Trucks and vans in conjunction with agricultural uses are not included as commercial-type trucks or vans herein." Supervisors Manfredi and Salvadore suggested that Solicitor Grabowski base the definition of "commercial vehicle" on that language to craft a more specific definition. Mr. Wynn suggested that the definition, once determined, be placed in the "Definition" section of the Zoning Ordinance.

Supervisor Manfredi felt that the entire Trades Business Ordinance should be narrowed in scope, should limit trades uses, and should permit no more than two employees other than family members, unless requested of the Board of Supervisors by Conditional Use. Chairman McIlhinney agreed with capping the property size at 10 acres, however he did not agree with limiting the trade uses or narrowing the scope of the Ordinance. Lengthy discussion took place.

Chief Engelhart commented that a Commercial Motor Vehicle is defined in Section 1603 of the Pennsylvania Motor Vehicle Code (for classification for issuance of a driver's license). He suggested that the Section of the MVC be referenced in the definition in the Ordinance. A Commercial Motor Vehicle is defined as 26,001 or more pounds of gross

vehicular weight (GVW), and includes school busses, transportation for hazardous materials, etc.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road agreed with Supervisor Manfredi that there is no place for commercial operations in a residential area.

2. Mr. Joe Marino of Redwing Road referred to Lancaster County, which has over 1,000 trades businesses and seems to function quite well without turning into a major commercial business that Supervisor Manfredi has referred to. The trades businesses in Lancaster County might include leather shops, wagon makers, blacksmiths, etc. Mr. Marino commented that the Supervisors have limited the trades businesses as referenced in the first paragraph of Article I.

There was no further public comment.

With all of the restrictions in this draft Ordinance, Chairman McIlhinney believes the purpose of the original Trades Business Ordinance has been decimated. He is opposed to the proposed language in Article 1, Item I, which states, "No assembling, manufacturing, processing or wholesale or retail sales shall be conducted on the property." Supervisor Manfredi disagreed, and noted that the Trades Business Ordinance was never intended to include manufacturing or processing, nor was it intended to permit several employees and/or several commercial vehicles, or operation of a business other than a trade.

After considerable discussion, the Board unanimously agreed that the language highlighted in bold lettering should be deleted from the following sections of the proposed Trades Business Ordinance:

- Article 1, Item E "No more than four employees other than members of the immediate family currently residing at the residence may be employed. **If the lot area exceeds four (4) acres, one additional employee is permitted for each one (1) acre in excess of four (4) acres.**"
- Article 1, Item I "No **assembling, manufacturing, processing or** wholesale or retail sales shall be conducted on the property."
- Article 1, Item G "A maximum of three commercial vehicles shall be permitted. **If the lot area exceeds four (4) acres, one additional commercial vehicle is permitted for each excess of four (4) acres.** All

commercial vehicles shall be parked on-lot in a garage or an enclosed structure.”

The Board also determined that any reference to “commercial vehicle” should be revised to “**trades/business vehicle.**”

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road cautioned the Board to be aware of individuals utilizing their personal vehicles for advertisement of their businesses while parked in their driveway. Chairman McIlhinney advised that the use of personal vehicles for advertising is permitted and is not regulated by the Township.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the revised version of the proposed Trades Business Ordinance, as crafted by the Township Engineer and Solicitor, to be forwarded to the Bucks County and Hilltown Township Planning Commissions; and unless substantive changes are recommended, the Ordinance be authorized for advertisement of Public Hearing. There was no further public comment.

e. Barn Ordinance – Mr. Wynn has made the following revisions relative to the proposed amendment for additional use opportunities for barns:

- The Ordinance has been revised to provide additional use opportunities for barns as an accessory use (Section 160-231(19)).
- Section B has been revised to clarify that in order to be eligible for this use; the barn must have been constructed prior to 1950. The timeframe for the requirement is subject to the Board’s discretion. There does not appear to be good definition for a “barn,” which can be a building “used for agricultural purposes” or “any unusually large building,” or “building used to house a fleet of vehicles.” The intent of adding a requirement regarding the date of construction is to prevent the construction of new large buildings (i.e.–pole building) to create a “barn” for additional use opportunities.

After discussion, the Board agreed to revise proposed Section 160-231(19), Item B, which should state “To be eligible for this use, the barn must have been constructed prior to 1910.”

- Section D, additional use opportunities has been revised to clarify that any eligible barn may be utilized for additional use opportunities by



Conditional Use (and is not subject to a requirement that it is "deemed to be significant by the Township," which is a vague and arbitrary standard). This section has also been revised to eliminate reference to the CMD District, revising the District back to RR.

- Conditional Use standards have been revised as discussed at the October 23<sup>rd</sup> Supervisor's meeting.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to authorize the Township Engineer and Solicitor to finalize the draft Barn Ordinance with respect to the date of eligibility, and then to forward it to the Hilltown Township and Bucks County Planning Commissions; and unless substantive changes are recommended, the Ordinance be advertised for Public Hearing.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road was glad that the Supervisors revised the date for eligibility to 1910, since the intent of this Ordinance is to find additional uses for existing barns.

Motion carried unanimously. There was no further public comment.

2. Hilltown Village Project – Lengthy discussion occurred. Supervisor Manfredi recalls that the Board had reviewed the all three VC districts, and was planning to move forward with proposed Ordinance changes with respect to sidewalks, and various traffic calming/traffic safety issues. He felt that the steps taken with Representative Watson to date to seek possible grant funding were very premature, and believes that the Board should select and appoint a Township Planner prior to moving forward.

After considerable discussion, this issue was tabled pending the appointment of a Township Planner.

3. 2007 Fire Tax Distribution – Following direction of the Board of Supervisors, Mr. Bennington compiled a complete listing of all tax map parcel numbers according to the specific fire company coverage area in which they were located. Once completed, seven individual tax map parcel number listings were provided to the Bucks County Information Services Department so that they could develop a spreadsheet with assigned land assessment values, building assessment values and land/building total assessed values for each parcel per fire company coverage area. Mr. Bennington then developed a spreadsheet highlighting the fire tax distributions to each of the seven fire companies, and compared those totals to the proposed 2007 Fire Tax distributions based upon a proposed formula. It was noted that the 2007 Fire Tax is estimated at

\$116,000.00, after deductions for insurance, pre-emption devices, and fire hydrant tax payments.

Mr. Bennington has since spoken to Mr. Mike McCafferty of the Department of Community and Economic Development, who is conducting the Fire Company Peer Review for Hilltown Township, which would examine all factors and conditions surrounding the current organizations and their respective service levels. Mr. McCafferty anticipates that the final Peer Review should be completed and provided to the Supervisors in January of 2007. However, Mr. Bennington reminded the Board that the Fire Company Peer Review has been delayed several times in the past. Mr. Bennington is seeking Board direction for the 2007 Fire Tax distribution.

Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to consider the proposed 2007 Fire Tax Distribution for discussion purposes.

Supervisor Manfredi expressed concern that a distribution based solely on the assessments does not take into consideration the services provided by the individual fire company and the cost of that service delivery. He explained that there are many different types of fires, which require a variety of equipment, training, knowledge and experience to be fought, and feels that the expenses involved to provide an acceptable level of service must also be taken into consideration.

Chairman McIlhinney disagreed, noting that if a commercial area is located in a certain fire service area, the fire company would receive considerably more funding simply due to that commercial assessment. Further, he believes that all seven fire companies have the same equipment and training needs in order to address the various types of fires in their commercial, industrial, and/or residential coverage area. Chairman McIlhinney feels that a distribution based on an updated coverage area assessment is fair and equitable, and noted that it has been an acceptable method for the past 12 years. Supervisor Manfredi does not feel it is fair to make the distribution on the assessed value alone, and noted that a fire company would provide a different level of service to a coverage area of open fields and single-family dwellings, versus a coverage area of high density housing and commercial development. Discussion took place.

Public Comment:

1. Mr. Robert Grunmeier, II – chief of the Hilltown Fire Company, read a three-page letter that was submitted to the Township today; a copy of which is on file at the Township office. Mr. Grunmeier urged the Board to wait for the results of the DCED report, which is due in January of 2007, before committing to the new formula for funding.

Mr. Bennington advised that when this new proposed formula was presented to the entire Fire Prevention Bureau, representatives of six of the seven fire companies – even through three would be losing funding - felt it was a very fair and equitable formula. Mr. Grunmeier noted that the three fire companies who would lose funding have since told him that they would walk away from Hilltown if the new formula was put into effect.

2. Mr. Larry Woodward, president of the Hilltown Fire Company, stated that the fire tax distribution is secondary income, and noted that their operating budget for the past three years is approximately \$36,000.00 per year, without catastrophic failures. He expressed serious concern that the proposed formula could greatly impact the function of the Hilltown Fire Company.

Mr. Grunmeier also disputed the accuracy of the service area map for each fire company, which he feels is inaccurate because it is not aligned with the closest organization or resources.

Lengthy discussion took place regarding the 2007 Fire Protection Agreements, the execution of which were tabled pending receipt of the results of the independent study by the Department of Community and Economic Development.

Supervisor Manfredi suggested that the Board of Supervisors meet with the seven responding fire companies to discuss this and other issues. Mr. Bennington stated that the March 14, 2007 Fire Prevention Bureau meeting at the Dublin Fire Company would be the perfect opportunity for that to occur.

The Board unanimously agreed to table the issue of Fire Company funding distribution pending receipt of the DCED fire company study expected in January of 2007.

4. Land Use Forum – Supervisor Manfredi recalls that when this issue was previously discussed last fall, the Board had decided that this Land Use Forum would be an open, public forum to discuss various land uses, the Zoning Ordinance amendments, etc. Chairman McIlbinney recalls that the Board had agreed to focus on all land uses, including commercial and industrial as well as residential, and that the agenda would be so constructed that there would be an outline to work with, unlike the previous Land Use Summits.

Public Comment:

1. Mr. Joe Marino of Redwing Road was opposed to a forum that might only address the opinions of more recent residents living on tiny lots. He would only support a Land Use Forum where a clear and concise agenda and list of participants is established ahead

of time where the current landowners would have ample opportunity to express their opinions through meaningful participation.

Supervisor Manfredi commented that the original Land Use Summit he initiated and that this Board supported was the first step in a long process, however that was ceased and never allowed to continue. In his opinion, anything beyond this point, including the Land Use Forum, would not address the original intent and purpose, and would not accomplish that goal. Supervisor Manfredi felt that the Land Use Forum would now be nothing more than a public hearing on land use and proposed Ordinances, which he is very unhappy about. Very lengthy discussion took place. If the Land Use Forum does not have as a goal a method and process for managing growth more effectively, Supervisor Manfredi felt it would be a sham and stated that it should not be held.

5. Township Engineer Analysis of Proposed CMD Ordinance Calculations – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the expenditure of approximately \$750.00 for the Township Engineer to provide an analysis of three recently approved subdivisions utilizing the proposed CMD Ordinance calculations. There was no public comment.

O. NEW BUSINESS –

1. Agreement to Purchase Agricultural Conservation Easements – Haring Property – Mr. Bennington advised that the Haring property consists of 66.9579 acres located at the intersection of Blooming Glen and Blue School Roads. The cost would be \$6,000.00 per acre for a total of \$401,747.00.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore, to authorize the approval and execution of an agreement to purchase agriculture conservation easements on the Haring property in conjunction with Bucks County.

Public Comment:

1. Mr. Joe Marino of Redwing Road asked how much Bucks County was putting toward the purchase of agricultural conservation easements for the Haring property. Mr. Bennington advised that the County is paying \$10,000.00 per acre. Mr. Marino commented that Bucks County previously paid another Hilltown landowner \$12,000.00 per acre, and he was upset that the same formula was not used in this instance. Discussion took place.

Mr. Marino stated that the Board of Supervisors did the right thing by announcing that an individual was interested in preserving their land, however he noted that the next step should have been a Public Hearing, according to Act 153 (Section 6), so that residents

can voice their opinions. Supervisor Salvadore noted that Act 153 also requires that there be a formal assessment of the property, which according to Jeff Lapp of the Open Space Committee, was done approximately two years ago, which came up very, very high on their assessment scale.

Motion carried unanimously. There was no further public comment.

2. Resolution Establishing Policy for Transparent and Open Government – This matter was tabled for consideration at a future meeting.

3. Dates for Professional Planner Interviews – Discussion took place. The Board agreed to hold Professional Planner interviews in early January, perhaps just prior to the Reorganization meeting.

4. Authorize Bid for Sale of Used Vehicles/Equipment – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of the sale of Police Department and Public Works Department used vehicles/equipment. There was no public comment.

5. WaWa Sign License Agreement – Motion was made by Supervisor Salvadore, and seconded by Chairman McIlhinney to authorize the execution of a Sign License Agreement with Wawa to install the Welcome to Hilltown Township/Deep Run sign at their location of Rt. 113 and Rt. 313. Supervisor Manfredi abstained from the vote due to a conflict of interest because of a business relationship with Wawa. Motion passed. There was no public comment.

6. Possible Selection of 2007 Depository – Mr. Bennington provided the Board with a comparison of the two depositories that were interviewed – Harleysville National Bank and the current depository, Quakertown National Bank. He reminded the Board that as of January 4<sup>th</sup> or 5<sup>th</sup>, the current loan rate would increase to 4.9% unless the loan is renegotiated with QNB.

7. 2007 Board and Commission Vacancies – After discussion, the Board agreed to hold the Professional Planner interviews as well as the 2007 Board and Commission applicants prior to the January 2, 2007 Reorganization Meeting.

8. NIMS Compliance Acknowledgement Letter – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the execution of the National Incident Management System (NIMS) Compliance letter. There was no public comment.

9. Kirk Tract Pathway Easement Termination Request – Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi to consider the request by the developer of the Kirk Tract to terminate the 25 ft. pathway easement, which is Lot #2 of the former Arline Kirk Subdivision. Prior to a vote, discussion took place. Supervisor Salvadore withdrew her original motion.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to forward this matter to the Township Solicitor for further review and for consideration by the Board in the future. There was no public comment.

10. White Chimney Farms Impervious Surface Review Request – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the Township Engineer to review the request from the developer of White Chimney Farms with respect to impervious surface, as noted in the November 16, 2006 correspondence from W.B. Homes, Inc. There was no public comment.

11. Ashland Meadows Planned Community Request – Correspondence from the applicant's legal counsel, Fox Rothschild, dated November 17, 2006 was discussed, after which the Board directed Mr. Wynn and Solicitor Grabowski to review and consider, and then to provide their recommendation to the Supervisors.

P. MYLARS FOR SIGNATURE: PECO/Defebo Lot Line Adjustment.

Q. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore suggested that the Board carefully consider the meeting schedule for 2007 early in the year so that another long meeting such as today's meeting is not necessary.

R. PUBLIC COMMENT: None.

S. PRESS CONFERENCE: No members of the press were present at this time.

T. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the December 1, 2006 Hilltown Township board of Supervisors Meeting was adjourned at 8:25PM.

Respectfully submitted,

Lynda Seimes *Lynda Seimes*

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