

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, October 23, 2006
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:30PM and opened with the Pledge of Allegiance.

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

A. ANNOUNCEMENTS:

1. The first Public Hearing for the McGrath Homes Re-Zoning Request will be held on Tuesday, November 21, 2006 at 7:00PM.

2. The Hilltown Halloween Fest is scheduled for Saturday, October 28, 2006 (with a rain date of Sunday, October 29, 2006) from 2:00PM to 7:00PM at the Pearl S. Buck International site.

3. Candidates Night sponsored by the Hilltown Civic Association will be held here at the Township Building on Thursday, October 26, 2006 at 7:00PM.

4. Election Day is Tuesday, November 7, 2006.

5. A joint meeting of the Board of Supervisors and the Open Space Committee will be held at 7:00PM on Monday, December 11, 2006, prior to the regularly scheduled Board of Supervisors meeting.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Mike Beatrice of Church Road and member of the Planning Commission, is vehemently opposed to the Trades Use Ordinance, specifically mixing commercial uses in residential areas. He believes that the adoption of this Ordinance would generate more traffic on residential streets rather than channeling it toward commercial areas where it would be more appropriate. While the adoption of this Ordinance would add market value to the owners of the larger properties who would now be permitted to operate a trades business from their home, Mr. Beatrice feels there would be a very detrimental impact on neighboring residential properties. He further noted that

the proposed Barn Ordinance would have a very similar impact as it would allow for trades to be conducted in existing barns. Mr. Beatrice advised that neither Ordinance imposes a limit on the size of the business that can occupy the site.

C. APPROVALS – Action on the minutes of the September 25, 2006 Supervisor’s Meeting – Supervisor Salvadore noted the following corrections:

- Pg. 19, second paragraph, second sentence should state, “Supervisor Salvadore **stated that she did not.**”
- Pg. 19, second paragraph, sixth sentence should state, “Supervisor Salvadore **accepted responsibility for not following an established procedure, however the meeting that occurred had not been done before, and therefore, there was not an established process to follow.**”

Chairman McIlhinney noted the following corrections:

- Pg. 13, last paragraph, first sentence should state, “Chairman McIlhinney asked if the **grate** was installed to divert the flow of water.”
- Pg. 14, last paragraph, end of the second last sentence should state, “...improve the ground cover within the easement area, and make necessary drainage improvements along the pedestrian path, **including the installation of the previously agreed upon traffic-bearing grate.**”

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the September 25, 2006 Supervisor’s Meeting as corrected. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. SOLICITOR’S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Malin Subdivision Agreements – Tabled. Agreements not yet received.
2. Holly Farms Subdivision Agreements – Tabled. Agreements not yet received.

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

1. PECO/Defebo Lot Line Adjustment – This lot line adjustment subdivision located with frontage on Hilltown Pike and Township Line Road was unanimously recommended for preliminary/final approval by the Planning Commission subject to satisfactory completion of Items #2-#5 of the Sept. 27, 2006 engineering review. The

Planning Commission also unanimously recommended approval of all waivers requested by the applicant as contained within Item #1.A, B, and C of the September 27, 2006 review and as requested within correspondence from Boucher and James, Inc. dated September 18, 2006.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary/final plan approval to the PECO/Defebo Lot Line Adjustment, pending completion of all outstanding items as noted in the September 27, 2006 engineering review, including waivers requested by the applicant in Item #1.A, B, and C, and within correspondence from Boucher and James, Inc. dated September 18, 2006, as noted above. There was no public comment.

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

1. Hilltown Pike/Rt. 152 Proposed Traffic Signal – Mr. Wynn's correspondence dated October 16, 2006 was discussed. Correspondence from PennDot advises that a traffic signal is warranted at the intersection of Hilltown Pike and Rt. 152. Once they receive the condition diagram, PennDot would design the traffic signal and issue the permit. Alternatively, the Township could retain a traffic consultant to complete the signal design and make application to PennDot. Mr. Wynn advised that the latter may potentially reduce the time it would take to have a traffic signal design completed, however it would result in the Township being responsible for the design costs. He indicated that the Township might need to acquire easements for the signal masts in the right-of-way. Discussion took place.

The Board directed Solicitor Grabowski and Mr. Bemington to research the H & K Agreement to determine who is financially responsible for the traffic signal design before proceeding.

2. Blooming Glen High School Slate Roof Replacement Update – Mr. Wynn advised that this project has been delayed because the contractor ran out of slate. He also noted that the project was being completed with very poor workmanship of the copper and the installation of the slate. The contractor, Mr. McKnight, visited the site and subsequently agreed with Mr. Wynn's observations.

3. Lynrose Estates Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the maintenance period for Lynrose Estates Subdivision, as noted above, and subject to the payment of any outstanding invoices. There was no public comment.

H. OLD BUSINESS –

1. Proposed Zoning Ordinance Amendments:

a. Sewer Ordinance (Section 140-42 Revision) – Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvatore, to consider review of proposed Sewer Ordinance (Section 140-42 Revision).

Supervisor Manfredi referred to and agreed with suggestions found in paragraph 3 of Solicitor Grabowski's correspondence dated October 17, 2006 to change the language in subparagraph 3 to the following ‘**“That each proposed lot....”**

Chairman McIlhinney referred to and disagreed with a suggestion found in paragraph 4 of Solicitor Grabowski's correspondence dated October 17, 2006. He believes that the following language should be substituted for subparagraph 4 of the proposed Ordinance amendment “provided that such determination by the Board of Supervisors shall not result in **an increase** of density to the proposed land development or the proposed subdivision.....”

For consistency purposes and to eliminate redundancy, Supervisor Salvatore suggested that the word “**proposed**” be removed from the first sentence of Article 140-42.J, Item #1 to state “That each proposed subdivision or land development has the ability to provide for its own sanitary sewage wastewater disposal within the confines of said proposed subdivision or land development.” and also to remove the word “**proposed**” from the last sentence of Article 140-42.J, Item #4 and to switch the words “**subdivision**” and “**land development**” to state “That each proposed lot is in compliance with Requirements 1 through 3 above except that each proposed lot may, at the discretion of the Board of Supervisors at a public meeting, be permitted to be served with an On-Site Community Treatment Facility in lieu of an individual on-lot, in-ground sewage disposal system provided that it results in no increase in density in a proposed **subdivision or land development.**”

Public Comment: None.

Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to forward proposed Sewer Ordinance (Section 140-42 Revision) with the corrections as noted above to the Bucks County and the Hilltown Planning Commissions for review; and to authorize advertisement once the Planning Commission's reviews are completed, provided there are no substantive changes. There was no public comment.

b. Sewer Ordinance (Section 124-2.A Revision) – The Supervisors reviewed the Ordinance amendment along with Solicitor Grabowski's accompanying correspondence dated October 17, 2006.

Chairman McIlhinney suggested the insertion of the following additional language to Subsection (c), to state, "Hilltown Township hereby requires that the installation of public sanitary sewer lines by a private developer shall include the installation of sewer laterals to **the right-of-way line** of each property adjacent to said sewer main **when the main is in the right-of-way, or as directed by the Board of Supervisors when otherwise**, without charge to the property owner along the route of the main extension of the proposed sewer main for the development."

Solicitor Grabowski commented that perhaps the definition of "property" should also be considered. If there is an existing sewer line on Green Street, which passes by a vacant 20-acre parcel, Solicitor Grabowski asked if there should be one lateral assigned to each tax parcel or if the size of the individual tax parcel should determine the number of laterals. Chairman McIlhinney believes that the correct procedure would be to anticipate the zoning characteristics of the site, and then to size the lateral accordingly. After lengthy discussion, Chairman McIlhinney suggested that each request for extension of public sewer and revision to the Act 537 Plan could be addressed on an individual basis by the current Board of Supervisors at that time. The Board was amenable.

Supervisor Manfredi requested that the preamble of the Ordinance be very clear and concise so that it is understood that a property is not required to connect to the public sewer line unless the property owner so desires. Solicitor Grabowski suggested the following language be added to Article I, Section 124-2.A.1, "**It is the intent of the Board of Supervisors that** all property owners whose primary building lines are within 150 feet of any existing public sanitary sewer line shall not be required to connect thereto; but shall be required to connect thereto in any of the following instances:"

Public Comment: None.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvatore, and carried unanimously to forward proposed Sewer Ordinance (Section 124-2.A Revision) with the corrections as noted above and in Solicitor Grabowski's correspondence dated October 17, 2006 to the Bucks County and the Hilltown Planning Commissions for review; and to authorize advertisement of a Public Hearing to consider the Ordinance amendment once the Planning Commission's reviews are completed provided there are not substantive changes. There was no public comment.

***8:09PM – PUBLIC HEARING – Chairman McIlhinney recessed the regularly scheduled Supervisors meeting of October 23, 2006 in order to enter into an**

advertised Public Hearing to consider an Ordinance to confirm and re-establish the Hilltown Township Park and Recreation Board.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to discuss and consider the proposed Ordinance amendment.

After lengthy discussion concerning Section 1.4 regarding meeting attendance, the Board determined that the following language should be deleted from the second sentence in Section 1.4, "...including monthly meetings and special meetings,"

Public Comment: None.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to **adopt Ordinance #2006-7, to confirm and re-establish the Hilltown Township Park and Recreation Board with the above noted minor correction, and to authorize that a copy of the Ordinance be forwarded to each of the Park and Recreation Board members for review.** There was no public comment.

***8:14PM – Chairman McIlhinney adjourned the advertised Public Hearing and the regularly scheduled meeting of the Hilltown Township Board of Supervisors of October 23, 2006 was reconvened at 8:15PM.**

c. Snow and Ice Removal Ordinance – Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi to discuss and consider the proposed Snow and Ice Removal Ordinance.

The proposed Snow and Ice Removal Ordinance, along with Solicitor Grabowski's October 17, 2006 correspondence, were discussed. The original intent of this Ordinance was to provide for the safety of school children that are required to walk to school. During discussions with Mr. Robert Fisher, Transportation Director of the Pennridge School District, he indicated that Pennsylvania does not mandate a specific walking distance for schools, however the State will not reimburse any school district for any child that is bussed within two miles of the school. Pennridge School District does not have any children walking more than one mile for safety reasons. Both Seylar and Grasse Elementary Schools do not have any children walking due to the location of the schools. It therefore appears that the only students in Hilltown that may actually walk to school are possibly those within a one-mile radius of the Pennridge Central Middle School located in Silverdale Borough. Solicitor Grabowski commented that Mr. Fisher is not aware of how many students may actually walk to Penn Central, and noted that bussing is provided to the various housing developments located within that one-mile radius of the school.

The issue of enforceability was also considered. Chairman McIlhinney noted the hardship such an Ordinance might pose to elderly or handicapped residents. Supervisor Manfredi suggested that language be inserted giving homeowners the ability to come before the Board of Supervisors seeking relief from clearing the sidewalks if they can evidence that school children are not walking on the sidewalks.

Mr. Wynn referred to a portion of property in the Longleaf and Orchard Hill Subdivisions, which abuts the sidewalks in the rear yard of Penn Central, and which would, according to Section 2 of the proposed Ordinance, fall under these Ordinance requirements. He does not know if any students use those sidewalks, but suggested that perhaps it would be useful to show the actual walking routes a map that could be attached to the Ordinance once it is adopted. Very lengthy discussion took place.

Public Comment:

1. If this Ordinance is adopted, Mr. Harry Mason of Morgan Lane asked who would be held liable if someone were to fall on a sidewalk that had not been properly cleared. Solicitor Grabowski explained that there is municipal immunity from that type of a lawsuit, however an individual property owner, whether or not an Ordinance is adopted, could be held liable.

There was no further Public Comment.

The Board directed Mr. Bennington and Solicitor Grabowski to meet with Mr. Fisher of Pennridge School District Transportation to verify the 1-mile hussing policy, to review actual bus route maps, and to once again place this issue on the next business meeting agenda where the Township Solicitor is present for further consideration.

For the record, Supervisor Manfredi stated he would object to an Ordinance that is so restrictive that it would not provide a mechanism for any child who may move in to the Township after enactment of this Ordinance to be covered by it.

d. Accessory Use Ordinance – Supervisor Manfredi continued to object to the term “apartment” being included in the draft Ordinance. Supervisor Salvadore believes that the Board changed that wording to “Accessory Family Residence” at their July Special Meeting. Supervisor Manfredi stated that it was his original intent for this Ordinance to allow for a family to care for a loved one, whether elderly or sickly, with an accessory use, which would allow an individual to live independently while remaining with their families. Therefore, he feels that the word “apartment” should be replaced with the word “residence.”

The Board agreed that the following wording be added to Article 1, Chapter 160, Section 160-23.I.(2)(b), which should state "Accessory Family Apartments. One (1) apartment accessory to a single-family detached dwelling shall be permitted provided the following conditions are met. The intent of these provisions is to allow for related family members **and required healthcare workers** to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multi-family housing is not otherwise permitted."

Discussion took place as to the definition of "family" or "extended family." Solicitor Grabowski noted that previous language in the Ordinance, which has since been stricken, spoke about a restrictive covenant being recorded between the property owner and the Township, stating that the accessory apartment use could not be extended if the property were to be sold, without the knowledge of the Township. Chairman McIlhinney stated that the language was stricken by the Board because they did not believe it was enforceable. Solicitor Grabowski explained that the language had provided for notification of the restrictions of the accessory apartment unit to the new property owners. Supervisors Manfredi and Salvatore concurred that consideration should be given to reinserting that language into the Ordinance. Supervisor Manfredi suggested that anyone who does not meet the definition of the term "family" as defined in the Ordinance itself, may be accommodated by Conditional Use approval by the Board of Supervisors. Solicitor Grabowski read the current definition of "family," which states "One person or two or more persons related by blood, foster relationship, marriage, or adoption, and in addition, any domestic servants or gratuitous guests thereof, or one or more persons who may not be so related, and in addition domestic servants or gratuitous guests thereof, living together in a single non-profit dwelling unit making it a common household with single cooking facilities." Discussion continued.

Public Comment:

1. Mr. Harry Mason of Morgan Lane commented on the family unit, as defined in the Zoning Ordinance, and is concerned with the term a "gratuitous guest," which he feels could be interpreted as a student from another country coming to live in the apartment, or some similar situation.

Discussion took place.

Solicitor Grabowski was directed to make the necessary revisions based upon discussions this evening, with the proposed Ordinance to be placed on a future meeting agenda for further consideration.

e. Reconfirm and Re-establish Planning Commission – Supervisor Manfredi suggested that the Board hold a joint meeting with the Planning Commission,

before considering this proposed Ordinance for approval. Mr. Bennington reminded the Board that several members of the Planning Commission have previously advised that they are not seeking reappointment, and suggested that perhaps the Board wait to hold a joint meeting until after the Reorganization Meeting in 2007.

Chairman McIlhinney felt that the following language in Section 3.A, should be stricken from the proposed Ordinance: **"except that one (1) member may also be a member of the Board of Supervisors."** Supervisors Manfredi and Salvadore agreed.

The Board also agreed that the following language should be stricken from Section 4.B: **"including monthly meetings and special meetings."**

This Ordinance amendment was tabled pending a joint meeting with the Planning Commission.

f. Bed and Breakfast Ordinance – Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi, to consider and discuss the proposed Bed and Breakfast Ordinance.

After lengthy discussion, the following corrections to the language were agreed upon for Item II, Section 160-23(f), which should state, **"Any** external alterations, additions, or changes to the exterior structure shall be permitted as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency, **if consistent with existing structures."**

Public Comment: None.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to forward the Bed and Breakfast Ordinance as revised this evening to the Hilltown and Bucks County Planning Commissions for review; and to authorize advertisement of the revised Ordinance for Public Hearing at a future date. There was no public comment.

g. Buffer Yard Ordinance – Mr. Wynn noted that the Ordinance contains language that refers to "plant material and berms installed in a **naturalistic fashion....**" and stated that he is not certain exactly what that means. Supervisor Manfredi commented that he prefers the words **"undulating berms."** The Supervisors agreed that the wording **"naturalistic fashion"** should be removed, and directed Mr. Wynn to add language referring to **"....an undulating berm with a varying height of 2 ft. to 6 ft. above grade."**

Discussion took place as to whether the buffer is being deducted from the gross area of the property or if it is included in the lot sizes. Mr. Wynn advised that the buffer is included as part of the lot as part of the calculations and is in addition to the required minimum side and rear yard, if necessary.

Discussion took place regarding Section A, Item #7, which states "Minimum width buffer yards do not count as open space. However, required open space may be used to meet the requirements for buffers where the open space has a minimum contiguous area of four acres and a minimum **width** of 200 feet." In some cases, if a buffer yard is required within an open space area in a residential subdivision, Mr. Wynn noted that it can be counted, however there is also a requirement that open space cannot consist of a narrow strip of land less than 200 ft. in width, yet it can still count toward the open space.

The Board continued to discuss Section A, Item #9, as well, which addresses existing buffers on adjacent properties. Mr. Wynn suggested that language be revised, since it would not be possible for the buffering on adjacent properties to meet the Ordinance requirements if a new use is proposed on a neighboring property. He suggested that language be added such as "**...at the discretion of the Board of Supervisors**" which would allow for flexibility for each site to be considered individually.

Chairman McIlhinney questioned Section C, Item 4, which states "Farmland preservation buffer. Type 3 buffer yard shall be required where residential or non-residential uses abut farmland." Mr. Wynn explained that when abutting farmland with a new residential use, a 25 ft. wide buffer must be established with certain specific shrubs required. Supervisor Salvadore noted that municipalities in the Lancaster area require a 300 ft. buffer from the actual farmland due to tree roots and/or shade from trees affecting crops.

The Board discussed Section C, Item 5, which states "Visual screen for storage and maintenance activities. Type 4 buffer yard, which shall include fence and plantings sufficient to provide a visual screen." Chairman McIlhinney recalls that during the Planning Commission's discussion of the Trades Business Ordinance, they had considered requiring heavy buffering around buildings and/or parking areas to visually screen it from the neighboring properties, but not necessarily along the property line. Mr. Wynn referred to Section A, Item 1, which clearly notes that landscape buffers shall be placed along a street or property line for the purpose of separating one land use from another land use, or to shield or block lights, noise, or visual impacts, while preserving the natural landscape of the Township, not around a use within a property. Lengthy discussion took place. With a commercial or industrial use, Chairman McIlhinney felt that a fence should be required, however not necessarily in a residential area and not around the entire property. The Board directed Mr. Wynn to revise this language to clarify that the buffer should be required around a specific use or parking area, rather than along a property line.

Following discussion of Section H, the Board directed Mr. Wynn to remove the following highlighted language, "Buffers may be reduced or eliminated at the discretion of the Board of Supervisors **in the VC District only**, where buffering would adversely affect the mix of uses and activities **in a village setting.**"

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the revisions as noted this evening to the proposed Buffer Ordinance, and to transmit the final document to both the Bucks County and Hilltown Planning Commissions for review, and provided there are no substantive changes as a result of the reviews, to authorize advertisement of a Public Hearing at a future date. There was no public comment.

h. Trades Business Ordinance – Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to discuss and consider the proposed Trades Business Ordinance.

Supervisor Manfredi has no objection to specific trades being permitted to utilize a property, however it would be his desire to provide protection for neighboring property owners who might be affected by the possible expansion of use and activity on their neighbor's property.

Supervisor Salvadore commented that the phrase "**CMD District**" should be removed from Article I, Section A, since it has not been officially changed from RR. She also does not recall that the Village Center District was excluded. Supervisor Salvadore recalls that the Board had reduced the number of employees from four to two immediate family members. The Board also had dialogue about the number of commercial vehicles and the definition of commercial vehicles. Discussion took place.

Chairman McIlhinney commented that the premise for this Ordinance was to provide owners of 3+ acres of land with an alternative to use their property for trade businesses, thereby preserving their land and preventing subdivision. It was Supervisor Manfredi's understanding that this proposed Ordinance was originally for trades businesses, but it now appears that it has been expanded to include other commercial activities, such as lawn care, which could include use of larger trucks and equipment in a residential district. Chairman McIlhinney disagreed that it would be a commercial business, noting that it would not be for sales, construction, or manufacturing; rather it would be for interior storage for those trades businesses. Supervisor Manfredi is not opposed to trades businesses, such as electricians, plumbers, masons, carpenters, painters, and roofers, all of which would utilize smaller pieces of equipment that would typically include smaller vehicles like step vans, etc. He believes there is a clear distinction between these types of trades, and a lawn care service, which might be using larger equipment such as backhoes or a flat-bed trailer to transport mowers to a site, and could therefore create noise

disturbances for their neighbors on a daily basis. Supervisor Salvadore confirmed that the Board previously discussed hours of operation and noise during the Special Meetings in June and July. She feels that what has been presented this evening is much more expanded than the Supervisor's original intent for this Ordinance. Lengthy discussion took place.

Public Comment:

1. Mr. Harry Mason of Morgan Lane wondered if there is a distinction between "commercial vehicles" and "commercial business vehicles," both of which are referred to in this proposed Ordinance.

2. Mr. Joe Marino of Redwing Road, commented that Lynn Bush of the Bucks County Planning Commission had advised the Hilltown PC that commercial vehicles require a commercial driver's license (CDL).

***9:45PM – Chairman McElhinney called for a five-minute recess. The Hilltown Township Board of Supervisors meeting of October 23, 2006 was reconvened at 9:50PM.**

3. Mr. Mark Funk of Broad Street supports the passage of a Trades Business Ordinance, which he believes would allow large landowners to save their properties from development by providing additional income to pay their taxes. It is Mr. Funk's opinion that farming is a very similar use, and believes that there is much more activity involved with farming than with trades uses. With respect to Supervisor Manfredi's concerns, Mr. Funk suggested limiting the hours of operation, and noted that if all of the equipment associated with the use is required to be stored inside, there should be no disturbance to the neighboring property owners.

There was no further public comment.

After lengthy discussion, the Board directed the Township Engineer and Township Solicitor to collaborate on drafting a Trade Business Ordinance, taking into consideration the Supervisor's intent and comments this evening, for the Board's consideration at the November 30th meeting, if at all possible.

i. Farmstead Ordinance – Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to consider and discuss the proposed Farmstead Ordinance.

Supervisor Salvadore pointed out Article 1, Section (c) 4, which requires that agricultural buildings used to house livestock, etc. must be located at least 100 ft. from any property

boundary, a requirement she feels may be impossible to meet in some instances. Solicitor Grabowski explained that it would become a non-conforming use.

Mr. Wynn noted a typographical error in Article I, Section (c), where the rear yard was incorrectly identified as 73 feet, however the correct number should be **75 feet**.

Public Comment:

1. Mr. Joe Marino of Redwing Road noted that currently, there is a 150 ft. X 40 ft. barn on his property, containing 28 horse stalls, with an 8,000 sq. ft. indoor arena right next to it, that is located approximately 15 ft. from the roadway. Under those circumstances, Mr. Marino questioned whether his property could meet the 25% maximum impervious surface requirement, and advised that it also could not meet the 100 ft. from any property boundary requirement.

Supervisor Manfredi suggested that the language be revised so that it is clear property owners are not being discouraged from using existing buildings, and that the Township is encouraging that farmsteads be retained. After lengthy discussion, the Board directed the Township Engineer and Township Solicitor to review the proposed Farmstead Ordinance for the Board's consideration at their November 30th meeting, if time permits.

j. Barn Ordinance – Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to consider and discuss the proposed Barn Ordinance.

The Board unanimously agreed that Section B, in its totality, should be stricken from the Ordinance. The Board also authorized the following revisions:

- "CMD" listed in Section C – Additional Use Opportunities – D3 Office, should be changed to **RR**.
- Section D – Conditional Use Standards – Item #3 – the word "**permitted**" should be deleted.
- The word "**shall**" should replace the word "should" in Section D – Conditional Use Standards, Items #1, #2, #4, and #5.
- In Section D – Conditional Use Standards, Item #6, the following language should be revised to state "**It is preferred that parking not be in the front yard or in front of the historic resource.**"
- In Section D - Conditional Use Standards, Item #7, the words "**and parking.**" should be added to the end of the sentence.

Solicitor Grabowski stated that there is an error in the preamble, which states "An Ordinance of the Hilltown Township Board of Supervisors amending Chapter 160, Zoning Ordinance to add **Section 160-60.2**, additional use opportunities for barns." He

explained that in the Zoning Ordinance, Section 160-60 is “conveyance and maintenance of municipal use and open space lands,” and that there is no Section 160-60.1. Further, he noted that the Barn Ordinance is a new use, yet the Ordinance speaks to Conditional Use Standards, even though there is no language stating that this would be a Conditional Use.

Mr. Wynn felt that this should be an Accessory Use. Supervisor Manfredi agreed, and believes that the Planning Commission reviewed this and others as stand-alone Ordinances rather than sections of the Ordinance to be amended. Mr. Wynn advised that he prepared these amendments based upon information received from the Hilltown and Bucks County Planning Commissions.

Solicitor Grabowski suggested that in the future when Ordinance amendments are first proposed by the Hilltown Planning Commission they should be placed in Ordinance format. He and Mr. Wynn have found it very, very difficult to place these amendments in Ordinance form by using emails, simple text, or statements from transcribed meeting minutes, since neither had been involved throughout the amendment process.

After discussion, Mr. Wynn suggested that he attempt to draft language based upon the document reviewed this evening, but as an Accessory Use by modifying the use section of the Ordinance for future consideration by the Board. The Supervisors were agreeable.

2. Re-Bid Keystone Drive Culvert Repair Project – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize re-advertisement of the Keystone Road Culvert Repair Project as noted above. There was no public comment.

3. 2004 Overdue Community Development Block Grant Project – Mr. Vicente of the Bucks County Department of Community and Business Development indicated via correspondence that information and direction must be received from the Township by October 31st regarding the status of the 2004 CDBG funds in the amount of \$19,726.29 for repair of the Hartzell-Strassburger Homestead, or risk losing the awarded funding. Mr. Bennington advised there were two allocations granted by the Board of Supervisors at that time – one was for \$66,000.00 for the replacement of the slate roof at the former municipal building, with any additional funding (in this case, \$19,726.29) being allocated to the Hilltown Historical Society.

If the Board so desires, that funding could be reallocated to another project. Mr. Bennington noted that the contractor installing the slate roof at the former municipal building indicated that the flat roof over the portion of the building now being used by the

Friends of Sam Pierce Library, as well as the chimney pointing, are both in very poor condition. Mr. Wynn explained that the flat roof of the former Municipal Building was temporarily repaired several years ago, but at this time, the bricks in the chimney area are beginning to fall onto the slate roof that is currently being replaced. An estimate was obtained in the amount of \$11,650.00 to remove the existing roof, install a new base for the flat roof, inspect the roof deck for rotten woods, etc. Another firm provided an estimate for re-pointing the chimney in the amount of \$3,250.00. In Mr. Wynn's opinion, the chimney repair is more critical. Lengthy discussion took place.

It was Supervisor Manfredi's opinion that the funds have been committed to the Hilltown Historical Society project, and Supervisor Salvadore agreed.

Public Comment:

1. Mr. Lawrence Owen of the Hilltown Historical Society clarified that this funding was allocated for CDBG Project #01-30, for the renovation of the roof of the Hartzell-Strassburger, which was actually cedar shake, not slate. Mr. Owen stated that the Historical Society intends to use that funding, and noted that there was a bid opening on October 11th, however no bids were received. The Office of Community Development advised Mr. Owen that the Historical Society has until December 31, 2006 to complete the project. Mr. Owen was advised that according to CDBG, the project could be re-advertised since no bids were received. Even though the funding was allocated to the Historical Society from the Township, Mr. Bennington explained that it is the Township's responsibility to authorize, advertise, and conduct the bid process for release of funding.

Chairman McIlhinney would like to know what specific project the funding was allocated to the Historical Society for, and if it is not being used for that purpose, then he believes the Board could reconsider. Discussion took place. Mr. Owen explained that this is a total reconstruction of the Hartzell-Strassburger timber floor system to the addition, which is in danger of collapse.

Once review of the minutes establishes the specific project the original funding had been allocated for in 2004, the Board agreed that the CDBG funding should only be used by the Hilltown Historical Society for that particular project.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize Mr. Bennington investigate if funding is available in the Capital Reserve Fund to repair the chimney and flat roof at the former Municipal Building, and to authorize use of those funds, if available. There was no public comment.

Chairman McIlhinney reminded Mr. Owen that the Township is responsible for the bidding process when allocating CDBG funding.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize bidding of the 2004 CDBG funding allocated to the Hilltown Historical Society in the amount of \$19,726.29, once review of previous meeting minutes determines the specific project. There was no public comment.

I. NEW BUSINESS:

1. Natural Resources Inventory – At the September 25, 2006 meeting, Supervisor Manfredi requested consideration to participate in a Natural Resources Inventory, which is required according to the adopted Open Space Plan, during discussions of the 2007 Budget. Discussion took place.

2. McGrath Homes Public Hearing Schedule – After very lengthy discussion, the Board of Supervisors determined that the first McGrath Homes Re-Zoning Request Public Hearing would be held on Tuesday, November 21, 2006 at 7:00PM, with the second McGrath Homes Re-Zoning Request Public Hearing to be held on Monday, December 11, 2006 at 6:00PM. The November 21st Public Hearing has been designated for an informational presentation by the applicant only, with no Public Comment or Supervisor's Comments taken. The December 11th Public Hearing will include questions and comments from the general public and the Board of Supervisors. The Board directed Mrs. Seimes to schedule a court stenographer to attend both the November 21st and December 11th Public Hearings.

The Supervisors also cancelled the November 27, 2006 meeting (due to Chairman McIlhinney and Mr. Bennington being out of town that week) and the December 26, 2006 regular meeting of the Board of Supervisors. The Supervisor's meeting originally scheduled for December 11th will now be the second McGrath Homes Re-Zoning Request Public Hearing. Further, due to this meeting change, the joint meeting with the Open Space Committee and the Board of Supervisors originally scheduled for December 11th has been cancelled.

The Board of Supervisors will hold a meeting on Friday, December 1, 2006 at 1:00PM, which will combine the cancelled November 27th meeting, and the cancelled December 11th meeting.

3. Hilltown Chase Homeowner's Assoc. Permit Fee Waiver Request -Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize waiver of the \$30.00 zoning permit fee for the installation of a

fence around the pond in the Open Space of the Hilltown Chase Subdivision. There was no public comment.

4. National Incident Management System (NIMS) Resolution – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to **adopt Resolution #2006-44, for participation in the NIMS (National Incident Management System) Program.** There was no public comment.

Supervisor Manfredi requested that Mr. Bennington investigate the obligation the Township is being held to by adopting this Resolution.

5. Request for Staff Meeting – A request has been received from the legal counsel for Mr. Joseph Pileggi, requesting a staff meeting to discuss the possible re-zoning of his property at Rt. 113 and Rt. 313 from RR to Commercial. After lengthy discussion, the Board of Supervisors authorized the staff meeting with Mr. Pileggi, with the caveat that the Township staff will provide no direction or indication of approval to the applicant concerning the issue of re-zoning, which is under the purview of the Board of Supervisors.

6. 2007 Budget Worksession Meeting – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the advertisement of the first 2007 Budget Worksession Meeting, once a date has been determined that is mutually agreeable to all members of the Board. There was no public comment.

7. Agreement of Sale of Haring Farm – Late this afternoon, Mr. Bennington received a draft Agreement of Sale from Bucks County for the purchase of the Haring Farm. The proposed Agreement includes Hilltown Township as a co-grantee, along with the State and the County, for the purchase of 66.9579 acres of conservation/development rights.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to forward the Agreement of Sale for the Haring property to the Township Solicitor for review, as noted above. There was no public comment.

8. Allocate Funding to Purchase Server – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the allocation of funds to purchase a new server for the Township Administrative Department in the amount of \$3,913.00, with the initial installation services cost in the amount of \$4,200.00. There was no public comment.

9. Fire Company Monetary Disbursements – Mr. Bennington reviewed the tax assessment map for potentially revising the 2007 Fire Tax distribution to the 7 fire companies who service Hilltown Township. The yearly Fire Protection Service Agreements, which include the monetary figure of the Fire Tax disbursements, are normally sent to the fire companies in early November for execution and return to the Township prior to the end of the year. Discussion took place.

The Board directed Mr. Bennington to meet with representatives of each of the seven fire companies to explain the potential revision to the Fire Tax distribution for 2007 and to entertain their comments and feedback prior to revising the distribution figures.

J. MYLARS FOR SIGNATURE: Hilltown Ridge – Phase II


K. SUPERVISOR'S COMMENTS: None.

L. PUBLIC COMMENT: None.

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

N. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the October 23, 2006 Hilltown Township Board of Supervisors meeting was adjourned at 11:50PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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