

HILLCITY TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, September 11, 2006
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:33PM 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
Lynda S. Seimes, Township Secretary

Chairman McIlhinney called for a moment of silence recognizing those who lost their lives on this, the fifth anniversary of the September 11th attacks.

A. ANNOUNCEMENTS: Beginning today, the intersection of Telegraph and West Creamery Roads will be closed for approximately two weeks, with a detour posted.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Harry Mason of Morgan Lane referred to the McGrath Re-Zoning Request listed under the "Old Business" section of the agenda, and stated that he personally does not feel developers should be permitted to draft Ordinances for the Board's consideration.

C. APPROVALS: Action on the Minutes of the August 28, 2006 Supervisors Meeting; Bills List dated September 12, 2006; and Treasurer's Report dated August 31, 2006: Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the Minutes, the Bills List and the Treasurer's Report, as listed above, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. William Bonenberger of W.B. Homes – White Chimney Farms Public Sewer Request - Mr. Bonenberger was in attendance seeking authorization to serve the White Chimney Farms Subdivision with public sewer. White Chimney Farms is a 21-lot subdivision (20 new lots with 1 existing lot) located at the corner of Blue School Road and Schwenkmill Road in the RR Zoning District. The plan received conditional preliminary approval based upon the site being served by public water and individual on-lot septic systems, all of which have been tested and approved by the Bucks County Health Department. At the July 24th meeting, Mr. Chris Canavan of W.B. Homes was provided with specific direction to meet with Mr. Groff of the Hilltown Authority to

determine if capacity was available to serve the site. The proposed path of the public water extension would be through Blue School Road in a right to left direction to Blooming Glen Road, which is where the public water connection would take place. With respect to the public sewer extension, a low-pressure force main with individual grinder pumps is proposed, running parallel to the public water line in the same trench down to Blooming Glen Road. The entire roadway would then be overlaid. Any existing dwellings between the site and the proposed connection to public sewer would be provided with a sewer and water lateral to the right-of-way line, at no cost to those property owners. The property owners would, however, be responsible for the EDU fee to the Hilltown Authority if and when they connect to public sewer.

Supervisor Manfredi wished to clarify that the applicant is no longer interested in pursuing the issue of non-contiguous open space for this and the Cinnabar Farms site. Mr. Bonenberger replied that was correct. Lengthy discussion took place.

Motion was made by Chairman McIlhinney to permit the extension of public sewer to the White Chimney Farms Subdivision property as noted above. For discussion purposes only, motion was seconded by Supervisor Manfredi. No vote was taken at this time.

Supervisor Manfredi requested that this matter be tabled until the September 25, 2006 meeting in order to explore the differences between this request for extension of public sewer into the RR Zoning District, and a similar request that was made and granted by a majority of the Supervisors in January of 2006. He would also like time to consider how granting this request would impact the Act 537 Plan, the Zoning Ordinance, and the Subdivision/Land Development Ordinance, and how, if approved, it might impact the properties located along the route of the sewer line extension.

Public Comment:

- 1) Mrs. Judy Greenhalgh of Blooming Glen Road questioned the cost to connect to the public sewer for those neighboring homeowners, should they choose to do so. Mr. Groff replied that the current tapping fee is \$8,500.00 per residence, though it may decrease a bit in 2007.
- 2) Ms. Sandy Williamson of Mill Road reminded Mr. Bonenberger that there is a proposed Non-Contiguous Open Space Ordinance presently being reviewed by the Township Solicitor. She praised the applicant's previous attempt to consolidate the Cinnabar Farms/White Chimney Farms Subdivision, and urged the applicant not to abandon the most innovative and creative development plan that Hilltown Township has ever seen.

Ms. Williamson also expressed her displeasure that the Supervisors seem to consider draft Ordinances that are proposed by developers, such as that submitted by McGrath Homes, before considering Ordinances that are proposed by the Township's own Planning Commission and by the Bucks County Planning Commission.

There was no further public comment. The Board agreed to table the request by W.B. Homes for further discussion and a decision at the September 25, 2006 meeting.

E. POLICE REPORT – Mr. Christopher E. Engelhart, Chief of Police – Chief Engelhart presented the Police Report for the month of August 2006; a copy of which is on file at the Township office. A DUI Checkpoint was conducted on Bethlehem Pike at Faulkner Ford on the evening of September 8, 2006, which resulted in five arrests. Two speed details were conducted - one on August 10th on the 1000 block of Township Line Road, which has a 30 mph speed limit, with seven citations issued and the highest speed clocked at 53 mph; and one on August 31st on the 600 block of Telegraph Road, which has a 35 mph speed limit, with nine citations issued and the highest speed clocked at 54 mph.

***8:00PM – PUBLIC HEARING – Chairman McIlhinney recessed the regularly scheduled Board of Supervisors meeting of September 11, 2006 in order to enter into an advertised Public Hearing to obtain resident's views and receive proposals for 2007 Community Development Block Grant Fund.**

PROPOSALS FOR FUNDING:

1. Mr. Bennington explained that in 2006, the Township applied for and received CDBG funding for the overlay of Cherry Road in the amount of \$85,000.00. However, at that time, the Bucks County Office of Community Development requested that the Township defer the paving of Cherry Road until 2007 due to a shortage of County funding. CDBG was extremely appreciative and indicated that Hilltown would be placed at the top of the list for 2007 funding. Since Cherry Road is now scheduled to be paved during construction of a new housing development, Mr. Buzby, the Director of Public Works, has recommended that the following roads be approved for 2007 Community Development Block Grant funding in the amount of \$99,500.00: 1) Reliance Road between Bethlehem Pike and E. Summit Street (\$78,200.00) and North Township Line Road (30,000.00).

2. Mr. Lawrence Owen, representing the Hilltown Historical Society, was seeking funding for the repair and maintenance of the Thomas-Musselman Log Barn (circa 1730) located at the Hilltown Civic Park. Mr. Owen advised that the barn, which is one of the earliest surviving examples of Welsh agricultural architecture in the northeastern United States, requires immediate attention. After being moved from its former location decades

ago, the barn was rebuilt to exacting standards for this type of architecture. Unfortunately, weather has taken its toll on the structure, and the log walls and roof have succumbed to the ravages of time. Earlier this year, upon suggestion by a neighboring resident, the Park and Recreation Board and the Township Supervisors had considered the possibility of moving the structure to the Municipal Building location. Mr. Owen presented a quote from Wolfe House and Building Movers of Bernville, PA (in the amount of \$66,000.00) to move the two-story 19 ft. by 30 ft. structure approximately one mile to the Municipal Building site. The Historical Society is requesting \$70,000.00 to actually move the structure and an additional \$70,000.00 to restore it.

Discussion took place as to whether the scope of the Historical Society's proposal would be eligible for this funding. Mr. Bennington read from the CDBG Application Guidelines, which states "Organizations wishing to submit requests for historic preservation are being asked to submit their requests through the municipality where the project is located. Due to the funding constraints noted above, municipal projects will likely receive preference in this category, particularly those received from pooled communities. Furthermore, applicants are strongly encouraged to consult with the Department's consultant on historic preservation issues and/or other qualified professionals to obtain a concrete idea as to the property's historic status, improvements required, and cost."

Supervisor Manfredi suggested that Mr. Owen's proposal be considered during next year's CDBG funding cycle, with perhaps additional funding provided by the Township for restoration and to move the structure to the Municipal Building site.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to award Community Development Block Grant Funding in the amount of \$99,500.00 to the Township for the Reliance Road and North Township Line Road paving projects, as noted above. There was no public comment.

***8:15PM – The advertised Public Hearing was adjourned at 8:15PM, at which time Chairman McIlhinney reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors.**

F. MANAGER'S REPORT/PUBLIC WORKS REPORT/ZONING OFFICER'S REPORT – Mr. Ken Bennington, Township Manager – Mr. Bennington presented the above noted reports for the month of August 2006; copies of which are on file at the Township office.

Mr. Bennington advised that Bill Bradley has submitted his letter of resignation from the Hilltown Township Planning Commission. The Board directed Mr. Bennington to send correspondence thanking Mr. Bradley for his years of service.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of the vacancy on the Hilltown Township Planning Commission. There was no public comment.

The Board directed Mr. Bennington to send correspondence thanking Mr. Bradley for his year's of service on the Planning Commission.

G. HILLTOWN AUTHORITY REPORT – Mr. Jim Groff, Authority Manager – Mr. Groff read the Hilltown Authority Report for the month of August 2006; a copy of which is on file at the Township office.

H. HILLTOWN FIRE COMPANY REPORT – Mr. Bill Devlin – Mr. Devlin read the Hilltown Fire Company Report for the month of August 2006; a copy of which is on file at the Township office.

I. ZONING HEARING BOARD REPORT – No one was present. A copy of the report for the month of August 2006 is on file at the Township office.

J. OPEN SPACE COMMITTEE REPORT – Ms. Sandy Williamson, Member – Ms. Williamson read the Open Space Committee Report for the month of August 2006; a copy of which is on file at the Township office. The Open Space Committee is holding an additional meeting on Sept. 12th to review criteria for open space and the existing Open Space Plan. The Committee is looking at new ways to increase funding and to consider new options for purchasing open space.

Ms. Williamson expressed her personal displeasure with the Township's failure to purchase Mr. Rosenberger's 140 acres of open space in conjunction with Bucks County.

Supervisor Manfredi referred to a motion he made, which was passed unanimously at the August 2005 Supervisor's meeting authorizing the Open Space Committee to identify parcels that would be available for purchase and to provide the Supervisors with their recommendations as to cost per acre, and to provide a recommendation of floating a bond or borrowing funds to acquire open space parcels. Further, he noted that there are two other open space parcels ahead of Mr. Rosenberger's property on the list that have been discussed and considered for well over a year, and which have not yet been ruled out. Supervisor Manfredi feels that the Board has made the effort and is attempting to hold true to the open space process that has been in effect for quite some time. Supervisor Salvadore stated that it is unclear to her, as a relatively new Supervisor, what that open space procedure is. She believes that there is a misunderstanding of what that process is on the part of the Open Space Committee, as well. Very lengthy discussion and debate took place.

Motion was made by Supervisor Manfredi that all applications for the consideration of the acquisition of open space or development rights be in writing on a clear and concise form created by the Township Manager and submitted to the Board of Supervisors for their consideration and disposition; and that if the application is not submitted on the appropriate form, the Board of Supervisors will not consider it a formal application. Supervisor Salvadore seconded motion. Discussion took place prior to a vote.

Public Comment:

1. Mr. Joe Marino of Redwing Road previously served on the Open Space Committee. At that time, he had presented the Committee with a list of fifty individuals who owned 20 or more acres. Mr. Marino began to visit those landowners to determine their interest in participating in the Open Space Program, however the other Committee members told him he was not permitted to do so. If the Township wants to pursue the Open Space Program, he feels that the Committee must be proactive. Mr. Marino believes that there are many different areas in the Township where open space could be used for a picnic pavilion, an easement for a walking trail or bike path, or other types of recreation.

2. Mr. Hans Sumpf of 9 Beverly Road asked the difference between open space and development rights. Chairman McIlhinney explained that purchasing development rights is the purchase of agricultural land, which is to remain in farming. Open Space land can also be purchased for the use of passive and/or active recreation.

3. Mrs. Alice Kachline of Mill Road asked if the Supervisors are considering constructing a golf course on the 150 acres of open space at the former Berry Brow Subdivision. Chairman McIlhinney acknowledged that a golf course is an option being considered for that site.

Lengthy discussion took place concerning what Mrs. Kachline felt was a missed opportunity by the Township to purchase Mr. Rosenberger's open space.

Original motion carried unanimously.

In an effort to move forward in a positive direction, Supervisor Manfredi once more explained that the Township has a policy in place for the procedure involved with reviewing open space purchases, which has been formalized by motion this evening. Supervisor Manfredi hopes that the Open Space Committee will follow through on the motion he made in August of 2005, seeking recommendations for open space parcels so that the Township can more proactively preserve land.

Original motion carried unanimously. There was no further public comment.

K. PLANNING COMMISSION REPORT – Mr. Chuck Kulesza, Vice-Chairperson –
Mr. Kulesza read the Planning Commission Report for their Worksession meeting held on September 5, 2006; a copy of which is on file at the Township office.

L. OLD BUSINESS –

1. McGrath Re-Zoning Request – A revised draft Ordinance and plans were received from McGrath Homes on August 17, 2006. The applicant is seeking authorization to forward the revised Ordinance and plans to the Hilltown Township and Bucks County Planning Commissions for review, and is also seeking consideration to schedule a public hearing for review of their re-zoning request. Mr. Doug Maloney, legal counsel for McGrath Homes, was in attendance to make the request.

Motion was made by Supervisor Salvadore to forward the revised draft Age Qualified Ordinance Amendment and plans for the McGrath Homes Re-zoning Request to the Bucks County Planning Commission and to the Hilltown Planning Commission for review, and to schedule a Public Hearing for it.

Supervisor Manfredi suggested that the Board begin the Public Hearing process to obtain input on the proposal itself before considering an Ordinance amendment as proposed by the applicant. Chairman McIlhinney stated that the Township Solicitor had previously indicated that it was a requirement of the Municipalities Planning Code that the local and county Planning Commissions must first review the draft Ordinance as proposed by the applicant, prior to holding those Public Hearings. It is also Mr. Maloney's understanding that any formal consideration of a re-zoning request must be reviewed by the county and local Planning Commissions before a Puhlic Hearing can be held. Supervisor Manfredi was concerned that residents will misunderstand the proposed draft Age Qualified Ordinance and believe that this is an Ordinance developed by the Township, when that is not the case. Discussion took place.

Supervisor Manfredi wished it to be clear to the public that this is the correct process as prescribed by the Township Solicitor and according to the Municipalities Planning Code, and that this proposed Ordinance may be amended and may or may not be adopted in its present form. With that condition, Supervisor Manfredi seconded the motion made by Supervisor Salvadore. There was no public comment.

M. NEW BUSINESS –

1. Deep Run Valley Sports Association Request – Correspondence was received from Deep Run Valley Sports Association with respect to the Telegraph Road athletic fields (current lease expires in 2009). Deep Run has determined that topsoil covering those fields is inadequate for playing soccer due to the rocks underneath the soil

that present a danger for players. Deep Run is willing to incur the expense to place additional topsoil on the site, as well as seeding, fertilizing and maintenance, if the Board would be willing to extend the lease for a term of ten years.

This issue was tabled pending review of the proposed agreement by the Township Solicitor.

2. Verizon Cable Service Ordinance/Agreement – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of the Verizon Cable Service Ordinance Agreement for Public Hearing at a future meeting. There was no public comment.

N. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi was approached by representatives of Bucks County Board of Elections for Hilltown Township to consider holding an educational demonstration of use of the new voting machines. Discussion took place, and the Board was agreeable, with a date and venue to be determined.

2. Supervisor Manfredi asked Mr. Bennington to follow up with Mr. Wynn concerning the status of the stormwater runoff issue in the Hilltown Ridge Subdivision.

3. Chairman McIlhinney announced that he and Supervisor Salvadore met in Executive Session prior to this meeting in order to discuss real estate and personnel. Supervisor Manfredi was not present at the Executive Session.

O. PUBLIC COMMENT:

1. Mrs. Judy Greenhalgh of Blooming Glen Road hopes that the Board of Supervisors will recognize Henry and Charlotte Rosenberger who were recently named Farmers of the Year for 2006 by Bucks County.

2. Mrs. Alice Kachline of Mill Road stated that the Hilltown Civic Association is celebrating its 60th anniversary this year, and suggested that an educational demonstration of the new voting machines could be incorporated with that celebration. The Civic Association is considering a weekend event showcasing their newsletters going back to 1949, at which time a demonstration of the voting machines could be included. Discussion took place.

Mrs. Kachline felt that the "Welcome to Hilltown Township" monument sign erected at the Rt. 113/Rt. 313 location of CVS Pharmacy is very unattractive.

At last month's meeting, Mrs. Kachline's request to establish a table in the lobby to encourage voter registration was denied by the Board of Supervisors. She believes that her comments on the subject were not correctly reflected in the minutes of that meeting. At that time, in response to Chairman McIlhinney's concern about individuals feeling coerced, Mrs. Kachline recalls that she stated, "I find most people honest and above-board, and not everyone thinks like you do, Jack."

3. Mr. Hans Sumpf of 9 Beverly Road advised that Deep Run Valley Sports Association is holding Picture Day on Saturday, September 23, 2006 and offered that venue for the new voting machine education demonstration. Discussion took place.

4. Mr. Joe Marino of Redwing Road is in possession of a CD from the League of Women Voters, which is approximately 3 minutes in length, showing use of the new voting machines. He offered the use of the CD for any interested individuals.

5. Mr. Kirk Hansen of Rt. 113, who is a 32-year resident, gave the Board of Supervisors a vote of confidence with respect to the recent incident involving the Rosenberger open space purchase. He felt that the Supervisors and Mr. Bennington were the victims of bad press, and believes that the Board did the right thing. If special provisions had been made for Mr. Rosenberger, Mr. Hansen would have been very disappointed and irritated.

Mr. Hansen was disillusioned by some of Mr. Rosenberger's comments in the newspaper referring to preserving crops and saving open space as being "the core of Homeland Security." Mr. Hansen sees no correlation between preserving open space and Homeland Security. He works for a major airline, and considers it very fortunate that he was not a crewmember on one of those ill-fated flights.

Supervisor Manfredi thanked Mr. Hansen for his heartfelt comments, noting that his sincerity and emotion was poignant. Until the moment of hearing those comments, Supervisor Manfredi thought he would remember this evening as perhaps one of the darkest of his brief tenure on the Board.

6. Mr. Joe Marino of Redwing Road commented that many small landowners provide 5,000 acres of open space in Hilltown Township at no charge, simply by paying their taxes and not developing their property.

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

Q. ADJOURNMENT: Upon motion by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously, the regularly scheduled meeting of the

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Hilltown Township Board of Supervisors of September 11, 2006 was adjourned at 9:36PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary

(*These minutes should not be considered approved until officially voted upon at a public meeting of the Board of Supervisors).