

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 26, 2006
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John B. McIlhinney at 7:38PM 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: None.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. APPROVALS: Bill's List dated June 27, 2006 – Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi and carried unanimously to approve the Bills List dated June 27, 2006, as written. There was no public comment.

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D. CONFIRMED APPOINTMENT: None.

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

1. Kratz Subdivision – Declaration of Covenants, Restrictions, and Easements – Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to accept the Kratz Subdivision Declaration of Covenants, and Restrictions and Easements Agreement. There was no public comment.

2. Wilson Subdivision – Cash Escrow Agreement and Road Frontage Agreement Resolution – Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to accept the Wilson Subdivision Cash Escrow Agreement; and to **adopt Resolution #2006-27, accepting the Wilson Subdivision Road Frontage Easement Agreement.** There was no public comment.

3. Ashland Meadows Subdivision – Subdivision Agreement, Financial Security Agreement, Road Frontage Easement Resolution, and Street Light Petition Resolution – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept the Ashland Meadows Subdivision Agreement and Financial Security Agreement, and to **adopt Resolution #2006-28 accepting the Ashland Meadows Subdivision Road Frontage Easement Resolution;** and to **adopt Resolution #2006-29, accepting the Ashland Meadows Subdivision Street Light Petition Resolution.** There was no public comment.

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

1. Sunoco Land Development (Final) – The proposed reconstruction of the Sunoco located at Hilltown Pike/Route 309 was recommended for final approval by the Planning Commission conditioned upon completion of outstanding items in the April 24, 2006 engineering review and items contained in the Hilltown Fire Company letter dated June 19, 2006. Mr. Carl Weiner, the applicant's legal counsel was in attendance to present the plan.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Sunoco Land Development, pending completion of all outstanding items in the April 24, 2006 engineering review, and addressing the items contained within the Hilltown Fire Company letter dated June 19, 2006. There was no public comment.

2. Hawk Valley Estates (Final) – The 11-lot subdivision located in the RR Zoning District, which includes construction of a proposed cul-de-sac street intersecting with Park Road was unanimously recommended for final approval by the Planning Commission, subject to completion of items contained in the May 19, 2006 engineering review. Ms. Kim Franzoni, the applicant's legal counsel, was in attendance to present the plan, along with the applicant, Mr. Bevilaqua.

The Township is in receipt of several letters from Ms. Franzoni's office and from legal counsel for Mr. and Mrs. Jakubowitch, the property owners, who claim that the agreement of sale for this property has been terminated. It is Ms. Franzoni's position that the agreement of sale has not been terminated, and she has filed, on Mr. Bevilaqua's behalf, a complaint in the Bucks County Court of Common Pleas to that affect. Ms. Franzoni believes that this matter should no way impact the subdivision approval process, and noted that the Township is protected because the final plans cannot be recorded and filed with Bucks County until the applicant can prove that he is the legal owner of the property. Solicitor Grabowski explained that this is a legal matter, which does not involve Hilltown Township, and noted that it is the duty of the Board of Supervisors to deal with the subdivision application at hand since representation has been made by the

developer that he has the legal ability to pursue a subdivision. Solicitor Grabowski agreed that the issue of title to the property would be determined at a later date when it is time to record the plans at the Bucks County courthouse.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant conditional final plan approval to the Hawk Valley Estates Subdivision, pending completion of all outstanding items as noted in the May 19, 2006 engineering review. There was no public comment.

3. Fisher-Trampe Planning Modules – Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to **adopt Resolution #2006-30, to approve Sewage Planning Modules for the Fisher-Trampe Small Flow Treatment Facility.** There was no public comment.

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

1. Lynrose Estates – Maintenance Period Status Report – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to acknowledge that the maintenance period for the Lynrose Estates Subdivision has not yet been satisfactorily completed and therefore has not been accepted.

Public Comment:

1. Mrs. Alice Kachline of Mill Road questioned who was responsible for the maintenance and mowing of the right of way of Lynrose Estates. Mr. Wynn replied that the right-of-way is owned and maintained by the Township.

There was no further public comment.

2. Longleaf Estates II Maintenance Period Completion – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the maintenance period for the Longleaf Estates II Subdivision. There was no public comment.

3. Hilltown Chase Incomplete Work/Status Report – At the time of acceptance of public streets within the development, the Elliot Building Group agreed to complete miscellaneous cleanup items throughout the site in Spring of 2006. Most of this work remains incomplete and some of the work that was performed by Elliot Building Group is unsatisfactory. Most recently, Mr. Wynn met with representatives of Elliot Building Group at the site on the morning of June 15, 2006, at which time a crew was, in his opinion, poorly performing clean up items. Elliot Building Group advised that work would continue until all punchlist items were complete, however Mr. Wynn noted that no

work occurred on the afternoon of June 15, 16th, or 19th, or in the morning of June 20th. Repeated calls to Elliot have gone unanswered. Mr. Wynn recommended that the Board of Supervisors authorize him to secure a contractor to complete the remaining work utilizing Elliot Building Group escrow funds.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to find the developer of the Hilltown Chase Subdivision, the Elliot Building Group, in default and to utilize the developer's cash escrow to accomplish the outstanding work as noted above. There was no public comment.

4. Heritage Executive Campus – Maintenance Period Completion -- Tabled.
5. Equestrian Court Status Report – Tabled.
6. Wynnefield Estates – Extension to 10/31/06 – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant the extension for completion of improvements at the Wynnefield Estates Subdivision until October 31, 2006, as requested. There was no public comment.
7. Reserve at Hilltown/Hilltown Ridge Subdivision Extension to 7/14/07 – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to grant the extension to the Reserve at Hilltown/Hilltown Ridge Subdivision until July 14, 2007, as requested. There was no public comment.
8. RVC Investments (Preliminary) – The applicant was not present. Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to table the RVC Investments Land Development. There was no public comment.

H. OLD BUSINESS:

1. Mandatory Sewer Connection Ordinance and SALDO Proposed Amendment regarding Update of Private Sewage Disposal System Requirements -- Previously, Solicitor Grabowski was directed by the Board to prepare a proposed amendment to the Township's SALDO Ordinance with respect to mandatory sewer connection (to eliminate the requirement of connection to public sewer if a property is located within 150 ft. of a public sewer line) and private sewage disposal system requirements (to allow the substitution of public sewer for on-site systems if there is complete and adequate disclosure and certification to the Township of what the density of the site would be using on-site systems). The Board will review these draft amendments and discuss them at a future meeting.

2. McGrath Homes Re-Zoning Request – The Board discussed dates to schedule Public Hearings to consider the applicant's re-zoning request. If the Board chooses to consider this request at all, Solicitor Grabowski recommended that a Public Hearing not be scheduled until a revised Ordinance amendment has been received from the applicant. Mr. Paul Callahan, the applicant's representative, presented a copy of the most recent draft Ordinance amendment. If there are substantial material revisions from the original draft Ordinance amendment and the revised amendment, Solicitor Grabowski advised that the draft Ordinance amendment must go back before both the Township and the Bucks County Planning Commissions for mandatory review under the Municipalities Planning Code. Mr. Callahan does not believe there are any substantial changes to the revised draft amendment, other than the issue of density that had been raised by the Hilltown Planning Commission. Lengthy discussion took place.

Supervisor Manfredi was uncomfortable authorizing the advertisement of a Public Hearing to consider an Ordinance amendment that was created by a developer, not the Township. Solicitor Grabowski explained that the legal advertisement would state that the draft Ordinance amendment was created by and is at the request of the applicant for consideration of a zoning change. In the interest of granting the applicant an opportunity for Public Hearing on the issue rather than simply declining the request, Supervisor Manfredi would be agreeable to scheduling a Public Hearing. Discussion continued.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the Township Solicitor to review the most recently submitted draft Ordinance amendment from McGrath Homes to determine whether or not there are substantial material changes that would require the document to go back before the Hilltown Planning Commission and the Bucks County Planning Commission for further review. There was no public comment.

Public Comment:

1. Mrs. Alice Kachline of Mill Road felt that it would be in the best interest of the Township residents to hold any Public Hearings on this issue in the fall, once summer vacations are over.

2. Mr. Gary Brown, president of RT Environmental Services, representing Mr. Lawrence Owen, a neighboring property owner, read a prepared statement. He believes that the Township has not been fully informed by the developer with respect to the environmental impact this proposal would have on the site and surrounding areas. In Mr. Brown's opinion, there are many critical site-related issues that have not yet been addressed, as follows:

- The site is bisected by the East Branch of the Morris Run, which is a Perkiomen Creek Headwaters area.
- Particulars of water and sewer services have not been defined, though well water service and off-site sewage treatment have been mentioned with the obvious impact being the draining of the East Branch of the Morris Run.
- No clear commitment to buffers and tree planting, which is a necessary component to avoid siltation impact around construction.
- Water quality degradation is a clear threat in these sensitive areas.
- An enumeration of what Stormwater Best Management Practices will be implemented has not been submitted.

If a coherent and environmentally acceptable by-right plan addressing impacts from increased density cannot be devised and put forth, Mr. Brown believes that the number of residents should not exceed that number allowed by-right. He requested that the Board require an unbiased assessment of the impact of the proposed zoning change so that an honest public debate on the proposal can take place.

3. Ms. Sandy Williamson of Mill Road urged the Board to consider a time period of late September or early October to hold Public Hearings if that is their desire. Having not had the opportunity to review the revised draft Ordinance amendment, Ms. Williamson hopes that the Board would be cautious in considering the per unit fee in-lieu-of open space proposal, which she feels is a very dangerous proposal.

There was no further public comment.

3. Cingular Cell Tower Options – Mr. Bennington advised that Cingular joined with AT&T in consolidating and reducing their cell tower sites by 25%. With respect to the cell tower located behind this building, the Board was previously provided with several options, of which only two remain, either to maintain the current lease (\$1,000.00 per month for the next 9 years); or take a 30% reduction with other changes possible for a guaranteed 10-year period. No action was taken, and the Board agreed to continue with the current lease option of \$1,000.00 per month for the next 9 years.

I. NEW BUSINESS:

1. Proposed Non-Contiguous Open Space Ordinance – Chairman McIlhinney was confused as to how this issue became a proposed Ordinance. Supervisor Manfredi recalls that a majority of the Board, at a Worksession meeting, had asked the Planning Commission and the Open Space Committee to prepare a recommendation to consider this issue as a result of a previous request by the developer of the White Chimney/Cinnabar Farms subdivisions. He noted that the proposed language has not been put into Ordinance format. Chairman McIlhinney made it clear that he was

opposed to the direction given to the Planning Commission and Open Space Committee to create this Ordinance language, noting that he disagrees with the whole concept. Discussion took place.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvatore to forward the proposed Non-Contiguous Open Space Ordinance to the Township Solicitor for crafting in Ordinance form and to be presented to the Supervisors for review at the next Worksession meeting, or if not possible, for the August Worksession meeting.

Solicitor Grabowski requested that Mr. Wynn be authorized to assist with the review and drafting of this proposed language. Both Supervisors Manfredi and Salvatore agreed.

Public Comment –

1. Mr. Joe Marino of Redwing Road, speaking as a resident and not a Planning Commission member, took part in drafting the proposed language. He presented a list documenting sections of the Zoning Ordinance, SALDO, Comprehensive Plan, and Municipalities Planning Code that would be impacted and should be considered if a Non-Contiguous Open Space Ordinance were to be adopted. Since WB Homes has now decided to develop the White Chimney Farms and Cinnabar Farms sites separately, Mr. Marino was told by the Planning Commission chairman, that this proposed language was no longer an issue. Mr. Marino respectfully requested that this issue be tabled for further consideration.

2. Mrs. Alice Kachline of Mill Road stated that the Township previously accepted 150 acres of open space at the former Berry Brow Subdivision, which resulted in the construction of many more homes on the Keystone Drive and Township Line Road portions of the development than should be permitted. Mrs. Kachline noted that there is nothing to prevent any future Board from selling and/or re-zoning Township-owned open space. Therefore, Mrs. Kachline believes that open space should be required to be within the development itself, not on non-contiguous parcels in other locations.

3. Ms. Sandy Williamson, a member of the Open Space Committee, commented that according to Lynn Bush of the Bucks County Planning Commission, some of the information presented by Mr. Marino to the Board this evening does not pertain to this issue.

Ms. Williamson feels it is very appropriate for the Board of Supervisors to consider the idea of non-contiguous open space. She believes that the effort of the Planning Commission and Open Space Committee was to make the criteria as narrow and precise as possible, and to insure that the applicant would not be exempted from any environmental requirements.

There was no further public comment. Vote was taken with Chairman McIlhinney opposed to the motion. Motion passed 2:1.

2. Hilltown Village Proposal – In 2003, the residents of the village of Hilltown had presented a petition and a proposal for the Supervisors to address issues of traffic and speeding, possible improvement to the Rt. 152/Hilltown Pike intersection, safe pedestrian traffic flow, and the protection of the historic ambiance and structures in the village. Mr. Mark Fazio of Green Street was in attendance representing other business owners in the Village of Hilltown, seeking the Township's assistance in partnering with them to address some of the issues mentioned in the 2003 petition. Discussion took place about the possibility of making Hilltown Village a walkable community by considering traffic calming measures, while still recognizing the historic value of the community. Supervisor Manfredi suggested that Mr. Bennington be directed to meet with Mr. Fazio and other village residents in an attempt to formalize a partnership with the Township, and to discuss traffic calming and safe pedestrian issues with PennDot and with developers of surrounding subdivisions. Supervisor Salvatore also suggested that the group pursue grant funding through State Representative Watson's office, who Mr. Fazio stated had been very helpful through this process. Supervisor Salvatore referred to the "Safe Roads to School" program that she saw implemented in Harrisburg. The Board was agreeable, and asked Mr. Bennington to provide the Board with a status report on this matter next month. Discussion took place.

On a different matter, Mr. Fazio referred to water issues and the determined "No Fault Zone" affecting village residents, particularly in light of the recently adopted agreement with H & K Quarry. If Mr. Fazio or other village residents are having difficulties resolving water issues with the quarry, Mr. Bennington asked that he be contacted so that the mediation process with H & K through the Township Engineer's office can begin.

3. New Public Comment Meeting Rules – Discussion took place concerning the proposed new Public Comment Meeting Rules. An agenda item for "Announcements" has been added, which will be handled by the Township Manager and will provide an opportunity to advise of Township events, road closures, meeting notifications, etc.

The Board unanimously decided that the following "Public Comment" rules would take affect immediately:

- 1) A time period of 2 ½ minutes per individual permitted on "Public Comment on Agenda Items Only"
- 2) A time period of 2 ½ minutes per individual per agenda item permitted following any Confirmed Appointment, Old Business or New Business items.

- 3) A time period of 5 minutes per individual.
- 4) The Township Manager would be charged with enforcing the public comment rules by announcing "One (1) minute remaining" and "Time Expired."

Public Comment:

1. Mr. Bill Godek of Broad Street noted that the Township Manager did not adhere to these new rules by announcing "Time Expired" during this meeting.
2. Ms. Mary Schiavone of Township Line Road felt it was discriminatory for the Chairman to be able to determine whether an additional 2 ½ minutes of public comment would be permitted or not. Discussion took place.
3. Mr. Joe Marino of Redwing Road advised that if an individual plans on preparing a statement to read to the Board, than that individual should do so within the time frame for public comment as determined by the Supervisors. If, however, that individual is involved in dialogue with the Board members, Mr. Marino feels that the public comment for that individual should continue until the Board decides that the dialogue is over.

J. MYLARS FOR SIGNATURE: None.

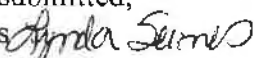
K. SUPERVISOR'S COMMENTS: None.

L. PUBLIC COMMENT:

1. Mr. Henry Rosenberger of Rt. 113 commented that the names of two proposed developments "The Preserves" and "The Reserve at Hilltown" are an oxymoron, since no land is being "reserved" or "preserved" at either site.

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 June 26, 2006 Supervisor's Meeting was adjourned at 9:21PM.

Respectfully submitted,
Lynda Scimes 
Township Secretary

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