

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, February 27, 2006  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John P. McIlhinney at 7:35PM 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 Seimes, Township Secretary

Chairman McIlhinney announced the following Executive Sessions and Policy and Procedure meetings:

- Executive Session prior to this meeting to discuss legal and real estate matters
- Executive Session following the February 13, 2006 meeting to discuss real estate and legal matters
- Supervisor Salvadore and Chairman McIlhinney sat in on a sketch plan review with Souderton Baseball on February 20, 2006
- The Board will meet in Executive Session following this meeting to discuss real estate and legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the January 3, 2006 Reorganization Meeting – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the January 3, 2006 Reorganization Meeting as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairman McIlhinney presented the Bill's List dated February 28, 2006, with General Fund payments in the amount of \$59,812.94, Park and Recreation Fund payments in the amount of \$413.67, State Highway Aid Fund payments in the amount of \$11,100.41, and Escrow Fund payments in the amount of \$1,885.11; for a grand total of all payments in the amount of \$73,212.13.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated February 28, 2006, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Gitlin/Johnson Subdivision – Public Sewer Request – Mr. Bill Benner, legal counsel for Toll Brothers, was in attendance along with Mr. Scott Guidos, the applicant's engineer, and Mr. Dave Anderson of Toll Brothers, to present the request for public sewer to serve this subdivision.

At the time of the initial preliminary plan submission, the Supervisors indicated that they would prefer the site to be served by on-lot sewage disposal systems because of its location within the RR Zoning District. On that basis, the applicant filed plans, went through the subdivision process, and has since obtained conditional preliminary plan approval of 25 building lots and 1 existing lot. Mr. Benner explained that the Hilltown Water and Sewer Authority, as part of their normal planning review, commented upon the then-pending Planning Module application, and on November 17, 2005, Mr. Groff, manager of the Authority, issued correspondence with his opinion that this site might be more appropriately serviced with public sewer. Mr. Groff's correspondence notes that the proposed subdivision is designated within the Township's Act 537 Plan as an area to be served by public sewer through HTWSA. The letter further notes that each lot, if it were to be served by on-lot sewer systems, would require individual Operation and Maintenance Agreements. While the Hilltown Authority agrees with the use of public water for the site, it does not agree that on-lot systems are the best means of sewage disposal, particularly with the proposed alternate AB Systems, which Mr. Groff feels are nothing more than scaled-down treatment facilities. Mr. Groff noted that owners of these types of systems must constantly maintain the moving parts, filters, and ultra-violet disinfection units in order for the systems to function properly. He does not believe that the average homeowner has the knowledge, the inclination, or the funds to operate and maintain a treatment process of this magnitude. If public sewer is extended to serve this site, the applicant has agreed that there would be no increase in density.

Mr. Benner advised that the point of connection to the public sewer line would be at the Schultz Road/interior road intersection and would be served with a gravity fed system to Fairhill Road. Mr. Guidos advised that the sewer line would "T" at Fairhill Road, which would permit, if necessary, further extension down Fairhill Road in the future. Mr. Groff noted that the flow from Fairhill Road to Schultz Road would be in a northerly direction through the proposed subdivision. The concern would be getting under the culvert located close to the intersection of Fairhill Road and Diamond Street. Unfortunately, this is also subject to a shallow line that was installed within Schultz Road. Therefore, in order to extend public sewer to this site via gravity, Mr. Groff advised that the line has been set at a certain depth so that it can reach the existing manhole on Schultz Road. Discussion took place

Chairman McIlhinney asked if this proposal would benefit any other properties in the area that might be experiencing failing systems. Mr. Groff replied that it could service the existing dwellings along Diamond Street, provided there could be a connection to the opposite side of Diamond Street, however due to the topography at that location, a type of force main would be required in order to get under the creek. Mr. Groff is sure that the Authority could make this work in order to assist the neighboring properties with failing systems. Mr. Bennington asked how many failing systems are located in the general vicinity. Mr. Guidos replied that the Act 537 Plan points out that there are eight failing systems – two to the right of the Gitlin-Johnson Subdivision property line, and six to the left. He explained that there is an approximate 30 ft. elevation drop between the site and the first failing system, and therefore a gravity line would not be feasible simply because of the depth of where the sewer line would have to be. Therefore, a force main would either have to pump up Diamond Street and then through the development, or alternately, in the future, there could be some type of line that runs down Diamond Street that could connect with a future line that might be coming to Schultz Road. Because of the two properties adjacent to this development, Mr. Guidos stated that perhaps the developer could provide a contribution to insure the extension of the line in the future. Chairman McIlhinney asked if that would include running the lateral across Diamond Street at the present time. Mr. Guidos replied that it would have to be a low-pressure force main.

Supervisor Manfredi would be interested in seeing an overlay or at least some indication as to what impact this would have on the present Act 537 Plan, and how it might further what the Township is trying to accomplish in the present plan. Supervisor Manfredi does not feel that the Township should consider these requests on a property-by-property basis, rather he believes the entire region should be reviewed when considering revisions to the current Act 537 Plan. Mr. Benner reminded the Board that there are other properties in that area, such as the Guttman Tract, that are being considered for development. Chairman McIlhinney asked if extending this force main would only address the 8 properties with failing systems. Mr. Groff replied that the line could be sized to carry more. If the goal is as stated by Supervisor Manfredi, Mr. Groff believes that more than just those eight properties could benefit. Supervisor Manfredi asked if this area is designated in the Act 537 Plan as to be served with public sewer. Mr. Groff confirmed that it was. Lengthy discussion took place.

Mr. Wynn asked if the proposed lines would be served by gravity to the gravity lines. Mr. Groff replied that was correct. Mr. Wynn advised that there is then the possibility that this would not be a revision to the Act 537 Plan, but might actually be an exemption to the Planning Modules. He noted that connecting this site to public sewer would eliminate the need for 25 additional Operation and Maintenance Agreements for marginal soil sites, and the potential of those sites requiring repair in the future.

Supervisor Manfredi would like to review documents that clearly show the malfunctioning systems in this area, and whether or not the Bucks County Health Department has determined this as an area of concern. Mr. Wynn commented that the failing systems in this area are something that happened recently and advised that they are referred to in the original Act 537 Plan. If the Township were to request additional information on those failing system sites, Mr. Wynn advised that both DEP and the Health Department will force those property owners to immediately address the issue. Supervisor Manfredi understands that, but prefers to look at the big picture and the area as a whole, so that everyone understands what will be required of them. Mr. Benner assured Supervisor Manfredi that the applicant is sympathetic with those concerns, and suggested that if the Board would be amenable to serving this site with public sewer, the applicant would seek and obtain approval from the Hilltown Water and Sewer Authority for the final version of the design. This would allow the applicant's engineer to meet with Mr. Wynn, Solicitor Grabowski, and Mr. Groff to prepare a plan that makes sense from an engineering standpoint. Mr. Benner believes the details could be worked out very easily, taking into account not only this project, but also the Guttman project, which is a planning consideration. Supervisor Manfredi would be more comfortable rendering a decision if he could see written comments from Mr. Groff, Mr. Wynn, Mr. Grabowski, and Mr. Guidos so that he knows specifically what is being considering. Mr. Benner stated that the Board of Supervisors will be provided all of those documents and comments as part of the final plan approval process.

Chairman McIlhinney noted that there are eight properties within the vicinity of the Gitlin-Johnson Tract that are in obvious need of sewer connection. He asked if the applicant would be willing to extend the public sewer line to those properties in any configuration acceptable to the Hilltown Authority, so that they can then pick the line up from their right-of-way line on Diamond Street to extend it to the eight properties at their expense, with the expense to the right-of-way line borne by the developer. Mr. Benner was not prepared to make that commitment this evening, but believes it would be an item for discussion as part of the sewer line design. Mr. Dave Anderson of Toll Brothers is not willing to make a financial commitment at this time. Discussion took place. Mr. Anderson conceded that he would work with Mr. Groff and Mr. Wynn in an effort to consider extending the line, or to make some type of financial contribution so that the line could be extended at some point in the future. Chairman McIlhinney would prefer that the line be built at the developer's expense now, rather than providing a monetary contribution to the Township for the line's future construction. Supervisor Salvadore suggested that all parties meet and discuss the issues as noted above, and provide a written proposal for the Board's consideration. After discussion with his client, Mr. Benner advised that the applicant would agree to show the extension of the public sewer lines to the right-of-way on Diamond Street as part of the final plan. Mr. Guidos commented that the woodland calculations could be affected with the installation of a

low-pressure force main through this area and wanted the Board to be aware that ultimately, there would be some tree disturbance. Discussion took place.

It was determined that the applicant's engineer would meet with Mr. Groff, and the Township's professional staff, as well as Mr. Bennington to determine the logistics and to discuss the matter further.

2. White Chimney/Cinnabar Farms Stipulation of Settlement Agreement Discussion – Mr. Chris Canavan, representing W. B. Homes, and the applicant's legal counsel, Ms. Carrie Nace, were in attendance to present a Stipulation of Settlement Agreement that was previously submitted to the Board of Supervisors both in November of 2005 and in January of 2006. Mr. Canavan explained that Cinnabar Farms is located on Midway Road just west of Blue School Road consisting of 45 acres. This plan received conditional preliminary approval for a 23-lot subdivision in the RR Zoning District with public water and sewer. The White Chimney Farms site consists of 38 acres and is located at the corner of Schwenkmill and Blue School Roads. This plan received conditional preliminary plan approval for a 21-lot subdivision in the RR District with public water and 50,000 sq. ft. lots. The applicant is requesting consideration of consolidating the two subdivisions into one project, in which two non-contiguous tract areas would be combined for purposes of density. This consolidation would permit the construction of 38 new dwellings on the Cinnabar Farms site, with the majority of the White Chimney Farms site (35 acres) being preserved as a conservation easement. Mr. Canavan noted that the approval of this proposal would not only save the developer the cost of building two sites, but it would also be a good planning initiative in that it would allow for a large area of open space to be preserved. It is the applicant's contention that the centralization of the development area of two sites into one area, would result in less roadway to be plowed and maintained in the future, and would also preserve what is considered a very beautiful piece of property in a unique land-preservation concept. The applicant received a 1:1 vote from the Zoning Hearing Board, and thus appealed that decision and is appearing before the Board of Supervisors in an attempt to resolve the matter.

W.B. Homes is suggesting the construction of 38 new dwellings, and one existing dwelling on the Cinnabar Farms site, along with approximately 7 acres of open space, most of which would be located on a 6-acre parcel in East Rockhill Township. Thirty-five acres of the White Chimney Farms property would then be put in a conservation easement containing a walking trail. The trail currently shown on the plan is along the perimeter of the property, however the applicant is willing to construct a trail anywhere throughout the site as long as it protects the privacy of the eventual owner of the existing dwelling. Further, Mr. Canavan noted that W.B. Homes is willing to provide a cash contribution to the Township in the amount of \$400,000.00, a number that was arrived at by the difference of what the applicant perceives as the sale of the White Chimney Farms

site from a 3-acre site within the 21-lot subdivision, and the sale of a 38 acre preserved piece of property. If this project does not move forward under this concept, the applicant intends to continue with the preliminary plan process for each individual site.

Supervisor Manfredi noted that there is a provision in the Zoning Ordinance for open space to be contiguous. If that provision were removed, it would allow this kind of creative concept to occur, however he is not certain that the provision should be removed via a Stipulation Agreement. Supervisor Manfredi believes that if a policy decision could be reached by this Board, which is something he is willing to consider, it could be applied Township-wide, not just to this developer. Supervisor Salvatore commented that the current zoning would not permit this concept, and agreed that while this proposal is unique and creative, the zoning is not in place to support it at this time. Mr. Canavan agreed with Supervisors Salvatore and Manfredi that this should not be something unique to only W.B. Homes or to these two properties, but believes that there could be a template established via a Stipulation Agreement that could be used as a very strong building block to allow this proposal, and perhaps others in the future, to move forward. He envisioned an Ordinance that would allow this type of creative development by Conditional Use when a certain set of criteria is met, which he believes would be a very appropriate policy decision to be made. Mr. Canavan commented that many of the best changes in zoning sometimes occurs from situations such as this where an agreement is reached between a developer and the Township on specific properties that results in a long-standing policy decision of the Board of Supervisors. He hopes that the Board can appreciate the fact that the applicant has been working on this project for quite some time, but no longer has the luxury to continue with the time it would take to develop a full-blown Ordinance to support the concept.

Chairman McIlhinney takes issue with several items in this proposal, such as the fact that the land is not contiguous and in fact would not become part of the open space for the Cinnabar Farms property. It would result in the Cinnabar site being developed with 39 homes that would no longer have the advantage and enjoyment of having 65% open space contiguous to their site. The fact that a piece of land up the street is somehow deed restricted open space, in Chairman McIlhinney's opinion, would in no way enhance the quality of life for the residents of Cinnabar Farms. The White Chimney Farms site would not be open for public access in the true sense of the word, since the site would be deed restricted to accommodate the one remaining dwelling. Chairman McIlhinney believes that the law that was recently passed enabling property owners who place their land in conservation easements to have their taxes frozen, would be at the expense of all of the other residents of the Township. Allowing one developer who happens to own two non-contiguous properties to combine them, which Chairman McIlhinney feels is nothing more than a transfer of development rights, would set a dangerous precedence for other developers who might own several parcels spread all over the Township to propose developments of 15,000 sq. ft. lots. Chairman McIlhinney stated that this scenario would

not be beneficial for those residents in a 15,000 sq. ft. lot development. In his opinion this would change the character of the Rural Residential Zoning District by cramming in smaller lots without the benefit of open space. Mr. Canavan noted that there are many ways to appreciate open space, and he feels that some of the best open space can be greenways that are interwoven within a development. Other ways to appreciate open space is to preserve a large tract of land so that it provides a view-shed from certain areas. He reminded the Board that the residents who would be purchasing homes in the Cinnabar Farms development would not be doing so with the expectation of open space. When the developer would begin to market the 39 single family homes on the Cinnabar Farms tract, the entire plan would be fully disclosed to the potential homebuyers, advising of the lot sizes and what the approved open space would be. Chairman McIlhinney would consider it an indictment of the Zoning Ordinance if the 65% open space requirement is no longer adhered to. Lengthy discussion took place.

Mr. Canavan explained that there would be a trail easement proposed through the White Chimney Farms site, which would allow public access to the property. Originally, the applicant proposed that the entire White Chimney site be open space dedicated to the Township, which would provide public access, however feedback from multiple entities indicated that it may not be the way the Township would prefer. Therefore, the plan was amended to provide for a private conservation easement for the White Chimney site. Chairman McIlhinney asked if that would include the existing farmhouse. Mr. Canavan explained that the farmhouse was to be subdivided out on a parcel all its own, which would have resulted in 35 acres of Township open space. Mr. Canavan also feels that it would be appropriate to allow other developers to propose similar creative development, and noted that the applicant is not seeking exclusive rights to this idea.

Supervisor Manfredi asked if the applicant would be willing to wait until the March 27, 2006 meeting to give the Board the opportunity to discuss the proposed Stipulation Agreement and other considerations. Mr. Canavan advised that the applicant has begun moving forward in the final approval process for the Cinnabar Farms site as a stand-alone project, though there are still quite a few items remaining that must be addressed. If the Board of Supervisors can provide a decision at their March meeting, and the applicant is able to reverse course on the Cinnabar Farms plan, Mr. Canavan would be open to it at that time.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road referred to a similar situation that was executed on the former Berry Brow site. That subdivision was developed from three or four large properties, with large houses on very small lots, a package treatment plant on Township Line Road, and 150 acres of open space on the south side of Hilltown Pike, which in her

opinion really does not benefit the residents of the development or the existing residents of Hilltown Township.

There was no further public comment.

It was agreed that Mr. Canavan would be a Confirmed Appointment at the March 27<sup>th</sup> Supervisor's meeting.

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

1. Orchard Hill – Internal Road Deed of Dedication (Peachtree Drive) – Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-17, accepting the Deed of Dedication of Peachtree Drive in the Orchard Hill Subdivision; and to adopt Resolution #2006-18, declaring Public Purpose for Peachtree Drive in the Orchard Hill Subdivision.** There was no public comment.

2. Hilltown Chase – Modification Agreement – At last month's meeting, there had been discussion concerning dedication of the require improvements for the Hilltown Chase Subdivision. The developer has proposed issuing a bond to the Township for the required maintenance amount, which is 15% of the original construction funds. A Performance Bond has been issued by the West Chester Fire Insurance Company in the required amount of \$162,386.60, as well as cash deposits from the developer in the amount of \$20,000.00 for escrow for reimbursement of engineering, legal, and administration fees during the 18-month maintenance period. In addition, a sum of \$2,336.10 has been provided as a capital contribution for reimbursement of estimated Liquid Fuel funds that would not be received during this past winter. A sum of \$12,200.00 has been deposited in escrow for completion of outstanding punchlist items, when weather conditions become more favorable, as identified in Mr. Wynn's correspondence of January 3, 2006. With respect to dedication of the internal road system and the open space, title insurance was issued to the Township declaring that the ownership and title of the property is without any encumbrances. Solicitor Grabowski has not yet received the required deed consolidation of property from the development to the adjacent property owner, Mr. Thompson. Solicitor Grabowski recommended that the Board accept the Modification Agreement of Hilltown Chase Limited Partnership.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to accept the Hilltown Chase Modification Agreement as noted above. There was no public comment.



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

1. Kirk Tract Subdivision (Final) – The Planning Commission recommended final plan approval to the Kirk Tract Subdivision by a 4:3 vote, with Mr. Bradley, Mr. Kulesza, and Mr. Beatrice opposed, conditional upon completion of all outstanding items as contained within the January 17, 2006 engineering review. Supervisor Manfredi wondered why those three Planning Commission members were opposed. Mr. Wynn stated that Mr. Beatrice indicated he did not like the layout from the beginning, in particular the proposed cul-de-sac street, and felt that more options should have been provided at the start of the subdivision process. Mr. Bradley and Mr. Kulesza agreed with Mr. Beatrice.

The applicant's legal counsel, Ms. Carrie Nace, and engineer, Mr. Scott Guidos, were in attendance to present the plan. The applicant indicated that they would comply with all outstanding items in the January 17<sup>th</sup> engineering review. Further, the applicant will provide water laterals extended to the street right-of-way line for all existing dwellings where the waterline is constructed within a roadway, and with respect to Item #7 that the applicant will provide the design, cost, and construction to replace the 48" CMP pipe crossing under Skunkhollow Road.

Chairman McIlhinney asked if the water main and the laterals would be running through Broad Street. Mr. Wynn replied that the plan shows the water laterals running through the Haines and Kibblehouse property to Skunkhollow Road and then down Skunkhollow Road to the site. He is aware that there had been discussion about changing the location of the water line, however that is not what is shown on the plan this evening. Supervisor Manfredi asked if the applicant has secured the right-of-way from Haines and Kibblehouse. Mr. Wynn advised that off-site easements would not typically be secured by the developer until after final plan approval, but prior to plan recordation. Mr. Jim Groff, Manager of the Hilltown Authority, stated there would be a change in the route of the waterline, which would run down Hilltown Pike, onto Broad Street, and then along the far side of Haines and Kibblehouse property to the site. Mr. Guidos stated that it is the goal of the applicant to run the waterline down Hilltown Pike to Broad Street, through the Haines and Kibblehouse property, and then down Skunkhollow Road to the site. Discussion took place.

Motion was made by Supervisor Salvadore and seconded by Supervisor Manfredi to grant conditional final plan approval to the Kirk Tract Subdivision, pending completion of all outstanding items as noted in the January 17, 2006 engineering review.

Public Comment:

1. Mr. Bill Godek of Broad Street wondered who requested that the waterline be run down Broad Street. Mr. Guidos believes that the Hilltown Authority made that request. Mr. Groff explained that when this plan was first discussed, the original route of the waterline was through Broad Street, but the applicant then considered running the waterline through the Oskanian Tract Subdivision. The project has since evolved back to the original plan of running the waterline through Broad Street in the event that those residents might wish to connect to public water in the future if their wells go dry. Mr. Godek asked if it was true that there would not be any cost for the existing residents to connect to the lateral and that there would be no rebates to the developer. Chairman McIlhinney explained that if a resident wishes to connect to the public water line, they would be responsible for the cost from the right-of-way line to the house. Mr. Godek asked if the right-of-way has yet been established. Mr. Guidos replied that one of the reasons this process has taken so long, is because the survey department has had to do intense research to determine where the right-of-way is located along Broad Street. Mr. Guidos believes that the right-of-way on Mr. Godek's property is most likely 16½ ft. from the centerline. Mr. Wynn spoke with the Director of Public Works who has postponed the scheduled paving of Broad Street until after installation of this waterline. Mr. Godek is also concerned with not being able to access his property during the water line installation and with the amount of time that Broad Street traffic might be detoured. Further, he wondered what affect the nearby quarry blasting might have on the waterline. Chairman McIlhinney does not believe installing the waterline in Broad Street would be any more dangerous than in any other street in the Township. If any damage is done to the waterlines from quarry blasting, Chairman McIlhinney advised that the Hilltown Authority would be responsible for their repair and upkeep. Discussion took place.

There was no further public comment. Motion passed unanimously.

2. Braccia Subdivision – Planning Modules – Planning Modules for the 9-lot subdivision located on Hilltown Pike were executed by the Planning Commission at their last meeting. The Braccia Subdivision Plan received conditional final approval by the Board of Supervisors on October 24, 2005, pending approval of the Planning Modules for the nine sandmound sewage disposal systems.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2006-19, approving the Planning Modules for the Braccia Subdivision, as noted above.** There was no public comment.

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

1. Weidner Tract Subdivision – Maintenance Period – Mr. Wynn prepared a maintenance punchlist on January 19, 2006 for miscellaneous items not satisfactorily completed during the maintenance period at the Weidner Tract Subdivision located on Seven Corner Road. In response, the applicant provided a timeframe for anticipated completion of the remaining items within a memo dated February 3, 2006. No dwelling has been constructed on Lot #2 as of this date, and the driveway entrance, required to be paved pursuant to the approved plan, has not yet been completed. The applicant, Heritage Building Group, requests that paving of the driveway be deferred until such time that the lot is built upon. The driveway entrance is stoned, and the balance of the frontage of the lot contains concrete sidewalk, which would not permit access via construction vehicles without crossing the concrete sidewalk. Issuance of zoning and building permits for this parcel also requires the applicant to secure a Township Road Occupancy Permit, which by Ordinance requires paving of the driveway entrance.

Motion was made by Supervisor Salvatore, seconded by Supervisor Manfredi, and carried unanimously to grant the applicant's request to permit the driveway entrance to remain in stone until the development has been built out, and to accept completion of the maintenance period for the Weidner Tract Subdivision. There was no public comment.

H. NEW BUSINESS:

1. The Bucks County Health Department is requesting permission to treat municipal properties and the Seylar Elementary School property beginning April 15<sup>th</sup> for mosquito control in order to help reduce the risk of the spread of West Nile Virus. Supervisor Salvatore asked if the Health Department has any provisions for individuals who might be allergic to the spray that is used, particularly since the elementary school property is slated to be treated. Mr. Bennington will contact the coordinator of the Health Department to determine the answer.

2. The Silverdale Fire Company 2006 Fire Protection Agreement with Hilltown Township will be available for the Board's signature following this meeting.

3. The Southeastern Pennsylvania Household Hazardous Waste and Old Computer Collection Program has been scheduled for the year 2006 as follows:

- Lower Bucks Area – 9AM-3PM May 20, 2006 at Lower Makefield Corporate Center in Lower Makefield Township.
- Upper Bucks Area – 9AM-3PM June 24, 2006 at Upper Bucks Co. Vo-Tech School in Bedminster Township.

- Middle Bucks Area – 9AM-3PM July 22, 2006 at Middle Bucks Institute of Technology in Warwick Township.
- Lower Bucks Area – 9AM-3PM August 12, 2006 at Bucks Co. Technical High School in Bristol Township.
- Upper Bucks Area – 9AM-3PM September 30, 2006 at Quakertown Community Swimming Pool in Quakertown Borough.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mr. Bill Godek of Broad Street inquired about the Township regulations with respect to the mowing of noxious weeds. Solicitor Grabowski advised that there are provisions in the Nuisance Ordinance regarding the control of weeds, a copy of which is available at the Township office. Mr. Godek specifically referred to the Braccia Subdivision located behind his home, which is filled with Canadian Thistle and other high weeds. Chairman McIlhinney directed Mr. Godek to file a complaint with the Township. Mr. Godek noted that by way of his comments this evening, he is notifying the Township of the high weed situation on the Braccia property.

2. Mr. Hans Sumpf, 9 Beverly Road stated that the Deep Run Valley Sports Association is applying for a grant for the property at Rt. 152 and Fairhill Road, which requires a letter from the Township stating that the land development for that property has been approved. Mr. Wynn reminded the Board that there are two outstanding items in the October 10, 2005 review, as follows:

- Proposed landscaping does not conform to requirements of the Land Development Ordinance as noted by the Landscape Compliance Chart included on sheet 5 of 11 of the approved plan. The applicant's land development waiver approval did not specifically address relief from landscaping requirements and no waiver of land development requirements regarding landscaping was submitted at the time of the waiver request submission. Deep Run has requested waivers relative to installation of street trees, parking lot landscaping, and detention basin perimeter plantings. Specifically, the 40 required street trees along Fairhill Road and Rt. 152 are not proposed to be installed. Of the 31 trees required in the parking area, 7 are proposed. The correspondence notes that the Land Development Ordinance and Stormwater Management Ordinance would require 43 evergreen trees, 28 deciduous trees, and 71 shrubs along the detention basin perimeter, while the plan proposes 34 evergreen trees, 24 deciduous trees and 53 shrubs.

- Concrete wheel stops were proposed within the parking area on the land development waiver submission, which was reviewed by the Board of Supervisors at their March 2005 meeting. During subsequent plan revisions, the concrete wheel stops were removed from the plan due to stated concerns by the applicant's engineer of the potential trip hazards. Pursuant to Section 140-45.G.5 of the SALDO, "when curb is not installed along the perimeter of the parking areas and paving is not required parking stall location must be delineated with concrete tire stops, bollards, or by other means acceptable to the Township." The plan has been revised to propose installation of 4 ft. high split rail fence along the perimeter of the parking areas in lieu-of other methods permitted by Ordinance. Mr. Wynn recommended approval of the use of split rail fencing, however he also recommended that the split rail fencing be only a two rail fence, installed with concrete posts and include "breaks" to facilitate pedestrian traffic from the parking areas to Field 1 and the future pavilion/meeting room area. Split rail fence should be specified to be set back three feet from the edge of the parking area.

Lengthy discussion took place.

With respect to the required tree buffer, Supervisor Manfredi recalls previous discussion where the Board felt that perhaps, since this is a municipal-owned property, the Township should bear some responsibility. Supervisor Salvadore agreed that there had been discussion, and a meeting was held with representatives of Deep Run, however the Board did not come to any resolution. Chairman McIlhinney commented that the area of the most tree reduction is within the parking area, where 7 are actually proposed, but 31 are required.

Chairman McIlhinney suggested that the Board authorize the Township Manager to issue the requested correspondence so that Deep Run can proceed with their grant application. While Supervisor Manfredi does not have a problem with Deep Run moving forward with the grant application, he reminded the Board that this is a Township open space parcel, and that perhaps the Township should be responsible to partner with Deep Run to complete some of the required improvements. Personally, Supervisor Manfredi does not feel that the buffer requirements should be waived. He believes that there should be a buffer along Rt. 152, and along the property line with the neighboring residential use. Chairman McIlhinney did not believe it would be objectionable or offensive to see children playing soccer, and questioned the need for a buffer along Rt. 152. Supervisor Manfredi stated that there are requirements in the Zoning Ordinance that should be adhered to, and if that is not something the Board wants to do, then the Zoning Ordinance should be revised. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously advising that the Deep Run project on Township property located at the intersection of Rt. 152 and Fairhill Road is acceptable to move forward with drafting a letter for the grant application as noted above, and that the Township's participation with regard to the buffer will be discussed and determined at a later date. There was no public comment.

3. Mrs. Marilyn Teed of Mill Road wished to address the noxious weed comment raised by Mr. Godek. She noted that it has been the policy of previous Boards that there will be no response to complaints unless they are written and signed. In certain instances, however, Mrs. Teed complained that written complaints about her property have sometimes mysteriously disappeared. Mrs. Teed suggested that the Board's policy with respect to complaints should be reconsidered. Personally, Chairman McIlhinney believes that all complaints should be in writing and signed.

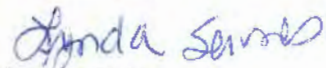
4. Mr. Harry Mason of Morgan Lane does not feel that the Public Comment portion of the agenda is the time to conduct business. He referred to the Public Comment Rules that are listed on the reverse side of the agenda. Mr. Mason suggested that if Deep Run has business to conduct with the Board of Supervisors, they should request a Confirmed Appointment.

K. SUPERVISOR'S COMMENTS: None.

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

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the February 27, 2006 Hilltown Township Board of Supervisor's meeting was adjourned at 9:22PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from tape recordings, and are not considered official or approved until voted upon by the Board of Supervisors at a public meeting).