

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**REGULARLY SCHEDULED MEETING**  
**Monday, October 25, 2004**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:41PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr. – Vice-Chairperson  
Richard J. Manfredi – Supervisor  
Gregory J. Lippincott – Township Manager  
Christopher Engelhart – Police Chief  
Francis X. Grabowski – Township Solicitor  
C. Robert Wynn – Township Engineer  
Lynda S. Seimes – Township Secretary

Chairperson Bennington announced that the Board of Supervisors, minus Supervisor Manfredi for most of the discussion, met in Executive Session prior to this meeting in order to discuss legal issues including Miketta, Teed, and H & K Quarry, and real estate issues.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the September 27, 2004 Supervisor’s Meeting – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the September 27, 2004 Supervisor’s Meeting, as written. There was no public comment.

Action on the minutes of the October 11, 2004 Supervisor’s Worksession Meeting – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the October 11, 2004 Supervisor’s Worksession Meeting, as written. There was no public comment.

C. CONFIRMED APPOINTMENTS:

1. Mr. Walter Drill of 2515 Hilltown Pike – Stormwater Runoff Concerns from Deep Run property – Mr. Drill was in attendance on behalf of approximately ten Hilltown Township residents who are affected by the stormwater runoff originating from the Deep Run Valley Sports Association property on Callowhill Road, and to alert the Board of the significant safety hazard this runoff causes on Hilltown Pike. Mr. Drill noted that the water flows from the eastern border of the Deep Run property negatively affecting neighboring properties on both sides of Hilltown Pike, as well as causing hazardous conditions on Hilltown Pike. Years ago, the Deep Run property was farmland with no paved parking areas and driveways, nor did it have ballfields or outbuildings.

With these improvements, water now streams off the Deep Run site across neighboring properties to overflowing drainage ditches, then along Hilltown Pike, which is located 20 ft. below the Deep Run site. The runoff continues across more neighboring properties on the opposite side of Hilltown Pike to another 20 ft. below Hilltown Pike to reach the Morris Run Creek.

On September 28, 2004 from the aftermath of Hurricane Jeanne, Mr. Drill noted there was major flooding on Hilltown Pike. The intersection of Callowhill Road and Hilltown Pike was under 6" of water, with no road surface visible. In the past 1½ years there have been five major flooding situations that Mr. Drill can recall. He submitted photographs of two of those flooding situations, along with a topographic map of the property showing the water flow. One of the photographs is from the spring of 2003 and one is from the winter of 2003. Mr. Drill noted that the pictures of the flooding conditions were taken a day or two after the worst part of the flooding had subsided. In the winter, the runoff freezes on the roadway covering Hilltown Pike with ice, which creates an extremely hazardous situation. Further once the ice melts then re-freezes, slush is created. The melting snow also adds to the runoff, making the flooding problem worse. One motorist skidded off the road into the drainage ditch in front of 2518 Hilltown Pike, and two other accidents occurred due to these hazardous conditions last winter in front of 2527 Hilltown Pike. Mr. Drill believes this situation is a disaster waiting to happen, with possible litigation affecting Deep Run, Hilltown Township, homeowners and PennDot most likely to follow a serious accident.

In his own situation at 2515 Hilltown Pike, Mr. Drill commented that even a moderate rainstorm causes the front yard to flood from excess runoff and overflowing drainage ditches along Hilltown Pike. The water tends to flow around both sides of his home to reach the Morris Run Creek. During the height of Hurricane Jeanne, the water runoff made Mr. Drill's entire yard, driveway, and roadside, like a furiously flowing river with torrential force. One neighbor described white caps flowing down from passing vehicles onto Mr. Drill's property. In his case, the water also pushed through the basement foundation to the finished family room.

Mr. Drill understands that the Deep Run property is "grandfathered" as far as stormwater runoff and proper drainage requirements. In the past, when Deep Run made improvements to their property, they may have been within the guidelines that existed at that time, however Mr. Drill noted that these guidelines did not address a 40 ft. elevation differential for their water runoff to get to the Morris Run Creek. Not until 2000 or 2001 were there any Stormwater Management Ordinances in effect in Pennsylvania. All of these improvements to Deep Run's property have created more and more impervious surface, which has resulted in more and more water runoff. Mr. Drill stated that there are no stormsewers, detention basins, or any type of stormwater management on Deep Run's property.

Over the years, Mr. Drill and his neighbors have expended a great deal of money to protect their properties from this water runoff. One neighbor reconstructed his entire garage from a western direction to a southern direction to prevent flooding. Another neighbor constructed a long drainage swale from Hilltown Pike to the Morris Run Creek in an effort to prevent driveway flooding. A third neighbor installed a 15 ft. drainage pipe from the rear of his basement, and a fourth neighbor was forced to replace all of the grass in his back yard. Another neighbor must pump his basement constantly during any rainstorm, with two pumps in continuous operation. Mr. Drill reminded the Board that even these actions do not stop the flow of runoff from the Deep Run property, but merely act as "Band-Aids."

In 2002, Mr. Drill and several other neighbors spoke with Mr. Jon Kutzner, past president of Deep Run following a Township meeting, who advised that he was aware of the runoff problem and would meet with the residents in an attempt to address it. However, Mr. Drill noted that Mr. Kutzner never reconnected with those neighbors and appeared unreachable. Mr. Drill finally emailed Mr. Kutzner in July of 2003, when he said he would contact Deep Run's engineers to meet with the neighbors. This meeting never took place. Mr. Drill emailed Mr. Kutzner three more times over the next five months, with no response. The neighboring property owners have brought this matter to the attention of the Board of Supervisors and the Deep Run Valley Sports Association in one more attempt to correct the problem. Unless some drainage retention solution is provided at the Deep Run property, this extreme road hazard and the damage to neighboring properties will continue. Mr. Drill commented that this runoff problem has been occurring for many, many years, prior to him moving to the neighborhood, which was 6 1/2 years ago, though he has noticed an increase in flooding during the past few years, possibly due to more rain and snow storms.

Mr. Drill and his neighbors understand that Deep Run Valley Sports Association is a non-profit, very busy, community-based sports organization that develops character in youth; they desperately need new parking facilities, which would require stormwater management. As such, he suggested that perhaps Deep Run could apply for Community Development Block Grant funding through the Township, such as what was awarded to the Pearl S. Buck Foundation and the Hilltown Historical Society, in the past. Also, Deep Run could possibly apply for a private association grant or sports association grant to improve their property so that neighboring homeowners, Deep Run members, and Hilltown Pike motorists could all be served.

At the Board's request, Mr. Wynn investigated the site last week, and agreed with the conclusions Mr. Drill has come to. This is a very large area with no stormwater management control facilities, and no volume or rate control. The development of the Deep Run site has occurred over a long period of time and there is quite a bit of impervious surface, which contributes runoff to the Hilltown Pike area, as do a number of

dwellings located on the west side of Hilltown Pike and along the north side of Callowhill Road. The drainage structures beneath Hilltown Pike are inadequate, however Mr. Wynn noted that improvement of the drainage structures by themselves may only move part of the problem to other properties. He believes the matter requires additional analysis and study based upon existing feature information to determine what solutions are available to abate the problem. Chairperson Bennington advised that during the last two years, Deep Run has only constructed additional stands, dugouts, and parking on Callowhill Road. Mr. Wynn commented that the runoff from the parking area along Callowhill Road actually drains in the opposite direction. The only improvements that occurred over the last few years that Mr. Wynn is aware of are the additional stands and buildings at the softball and little league fields. Chairperson Bennington wondered if the existing condition is being exacerbated by those few improvements, or if it is a condition that will not improve unless something is done to rectify it. Mr. Wynn does not know how much the culvert in front of Mr. Drill's house has deteriorated over the years, and suggested that a meeting be held with representatives of PennDot, the Township, Deep Run, and the neighboring residents to discuss the necessary steps to resolve this problem. He noted that there would not be a quick and easy solution. Supervisor Manfredi agreed that the Deep Run site may be a contributing factor, however as Mr. Drill previously pointed out, they have not done anything that they have not been approved to do, and therefore, are not violating any stormwater regulations. Discussion took place.

Mr. Howard Fetterolf of 2530 Hilltown Pike explained that the drainage pipe beneath the driveway from Deep Run was crushed approximately 4 years ago by a truck exiting the site. He has called the Deep Run office several times, with no response, and has spoken to the organization's maintenance man several times, who stated that Deep Run wants to be good neighbors, however no action was ever taken. If Deep Run would show a bit of an effort to at least address the crushed pipe, Mr. Fetterolf feels the situation may improve somewhat. Supervisor Manfredi spoke to the president of Deep Run about this issue last week, who indicated they would be willing to assist in rectifying the problem. He believes that Deep Run is proposing construction of a trench drain similar to what exists on the Callowhill Road side of the site.

Mr. Hans Sumpf, vice-president of the Deep Run Valley Sports Association, advised that the Association is willing to address some of the stormwater management issues. The most recent improvements to the site include the construction of three press boxes, and several dugouts. A lengthy discussion took place concerning where the stormwater runoff problem is originating from and how it could best be rectified.

Mr. Robert Pool of 2512 Hilltown Pike presented photographs from July of 2004, showing the flooding of the Poust property located at the corner of Hilltown Pike and Callowhill Road.

Mr. Alfred Crawford of 2622 Hilltown Pike believes that the main problem is the culvert under Hilltown Pike at Callowhill Road, and also the ditches, which are never cleaned by PennDot. He believes that if the ditches were cleaned it would provide a clear path for the water runoff down Callowhill Road to the Morris Run Creek.

Mr. Lippincott was directed to schedule a meeting at the site with representatives of PennDot, Deep Run Valley Sports Association, Mr. Wynn and a representative of the neighboring property owners to discuss this issue further.

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

1. Solicitor Grabowski presented a Sewage Maintenance Agreement for the Hassan property located at 1830 Mill Road to address an existing on-site malfunctioning septic system, which will be replaced with an A/B soil system.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Maintenance Agreement for the Hassan property located at 1830 Mill Road, as specified. There was no public comment.

2. Solicitor Grabowski presented a Sewage Maintenance Agreement for the Trampe property located at 223 Mill Road to address an existing on-site malfunctioning septic system, which will be replaced with a self-contained ecco-flow system.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Treatment Agreement for the Trampe property located at 223 Mill Road, as specified. There was no public comment.

3. Solicitor Grabowski presented the Deed of Dedication for road frontage for the PECO/Mascaro Lot Line Adjustment, which is located at the intersection of Maron Road and Bethlehem Pike/Spur Road.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-25, accepting the Deed of Dedication of road frontage for the PECO/Mascaro Lot Line Adjustment.** There was no public comment.

4. Solicitor Grabowski presented the Deed of Dedication and Declaration of Public Purpose Resolutions for the Pleasant View Subdivision, which is located on Callowhill Road, just north of South Perkasio Road.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-26, accepting the Deed of Dedication of road frontage for the Pleasant View Subdivision.** There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-27, accepting the Declaration of Public Purpose for the Pleasant View Subdivision.** There was no public comment.

5. Solicitor Grabowski presented a Resolution for Deed of Dedication of road frontage and a Resolution for Declaration of Public Purpose for the Longleaf II Subdivision.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-28, accepting the Deed of Dedication of road frontage for the Longleaf II Subdivision.** There was no public comment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-29, accepting the Declaration of Public Purpose for the Longleaf II Subdivision.** There was no public comment.

6. Solicitor Grabowski advised that the oral argument at the Pennsylvania Commonwealth Court regarding the Miketta Stormwater Management litigation is scheduled for November 1, 2004 in Philadelphia.

7. With respect to the Cable Television Franchise Agreement, Solicitor Grabowski noted that he is waiting for a response from Comcast to the Township's request for certain revisions to the proposed Agreement. Supervisor Manfredi suggested that the Board and Solicitor Grabowski discuss this issue in greater depth.

8. Supervisor Manfredi asked if the proposed ATV/Dirt Bike Ordinance is a stand-alone Ordinance, and Solicitor Grabowski advised that it is. He feels that Chief Engelhart's suggestions for revision are entirely appropriate.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Township Solicitor to draft the ATV/Dirt Bike Ordinance and advertise it for Public Hearing. There was no public comment.

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

1. Cinnabar Farms Subdivision (Preliminary) – Mr. Chris Canavan, representing the applicant, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's October 11, 2004 engineering review was

discussed. The Planning Commission unanimously recommended preliminary approval to this 23-lot subdivision located on Midway Road within the RR District. The recommendation is based upon the applicant complying with all outstanding items as contained within the October 11, 2004 engineering review, with the following noted:

- As a condition of waiver of Section 504.2.K of the SALDO relative to lot depth to width ratio for Lot #5 (item #3 of the review), the applicant agreed to increase the drainage/conservation easement in the rear of Lot #5 to include all land to the east (rear) of the floodplain area.
- Applicant will satisfactorily address all comments as contained in the Heinrich and Klein Associates, Inc. Traffic Impact Study review dated October 8, 2004 (item #7 within the engineering review).
- A waiver is recommended for approval from Section 504.2.A, which requires that a block shall not exceed 1,600 ft. in length as discussed within item #8 of the engineering review.
- Lot #23 will be connected to public water facilities as recommended within item #21 of the engineering review.
- A request for a waiver of Section 304.B of the Stormwater Management Ordinance included in the September 27, 2004 Van Cleef Engineering Associates correspondence attached to the engineering review is not required, as soil testing confirms that the site is not feasible for infiltration techniques.

The Planning Commission also briefly discussed a sketch plan, which would revise the lot layout to relocate the two lots proposed in East Rockhill Township to within Hilltown Township, and to create and dedicate a recreation area to East Rockhill. Mr. Canavan indicated that WB Homes would seek direction from the Township on the sketch plan prior to submitting final plans for the site. The sketch plan would result in public open space recreation area and dedication of the two-stormwater management basins to East Rockhill. Additionally, Mr. Canavan is seeking direction from the Township regarding the potential extension of public sewer to serve this site. The Hilltown Water and Sewer Authority would serve the site, however they would be purchasing in bulk from the East Rockhill Township sewage treatment plant. Supervisor Manfredi commented that he is not in favor of extending public sewer into the RR District. A lengthy discussion took place.

Public Comment:

1. If the alternate sketch plan were to be pursued to serve the site for public sewer, Mr. Mark Antunes of Callowhill Road wondered if this would allow public sewer to be extended into other areas of the Township. Chairperson Bennington advised that it would require a revision to the Act 537 Plan, as would any request for public sewer in the RR District, and therefore, could potentially be a threshold event to extend into other areas of the Township.

2. Mrs. Marilyn Teed of Mill Road believes that the public sewer connection from the Hilltown Authority is located very close to this site on Blooming Glen Road. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary plan approval to the original Cinnabar Farms Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's October 11, 2004 engineering review.

2. Kirk Tract Subdivision (Sketch) – Mr. Herb Sudfeld, the applicant's legal counsel, Mr. Doug Sanders of the Barness Group, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan.

The Planning Commission reviewed two sketch plans for 28 single-family dwelling lots located on Upper Stump Road. Mr. Wynn's most recent review dated October 7, 2004 was discussed. Plan A includes an internal cul-de-sac street and reverse frontage lots (with berm/landscaping) on Upper Stump Road. Plan B eliminates the internal cul-de-sac street and contains lots with frontage/access to Upper Stump Road. The applicant prefers Plan A. Although no vote was taken, a majority of the Planning Commission preferred Plan B, which is also recommended by Mr. Wynn and by the Bucks County Planning Commission. Supervisor Manfredi asked if the site would be bermed and landscaped. Mr. Guidos replied that a 4 ft. to 6 ft. undulating earthen berm is proposed, with a dense growth of plantings along Upper Stump Road. Mr. Sudfeld presented photographs of a similarly contoured berm from another development that Barness has constructed. The applicant has spoken to four of the six property owners located across the street from the site, who were in favor of Plan A, with the proposed berm. Supervisor Manfredi asked if sidewalks are proposed along Upper Stump Road to interconnect the existing dwellings with the proposed development. Mr. Guidos replied that sidewalk or a pedestrian pathway has been proposed along the entire frontage of Upper Stump Road. Chairperson Bennington wondered why Mr. Wynn recommended, and a majority of the Planning Commission preferred Plan B, with the seven driveways exiting onto Upper Stump Road. Mr. Wynn explained that two of the driveways (Lot #28 and #22) would serve corner lots, which would take access on the internal roadway per Ordinance



requirements. He then suggested some shared driveways to reduce the remaining five driveways along Upper Stump Road. Mr. Wynn noted that on the opposite side of the road from the proposed development, there are six driveways that access Upper Stump Road to service existing dwellings. The concern of headlight glare on dwellings exists since there is no Ordinance requirement prohibiting it, and even more important than the impact of a driveway is that of a new street on an existing dwelling. Mr. Wynn referred to Plan A, which provides for a through road from the development to Upper Stump Road, which he feels would impact the existing dwellings on the opposite side of the street more than the driveways would. Therefore, he suggested that perhaps a third plan should be proposed to move that internal roadway away from the existing dwelling across the street, which is located very close to Upper Stump Road. Mr. Sanders was most surprised by the Planning Commission's comments last week with respect to "a sense of community" that they hoped to foster by proposing driveways to exit on Upper Stump Road, rather than on the internal roadways. Supervisor Manfredi wondered why the Planning Commission would want to see more homes along Upper Stump Road, rather than those homes being shielded by a well landscaped, undulating berm. If the site was located in the Village Center District or was some sort of a cluster development, Supervisor Manfredi would understand the comments about a sense of community, however given the circumstances of this parcel, he does not believe it makes sense. Chairperson Bennington and Supervisor Manfredi both agreed that they prefer Concept Plan A, with a well-buffered berm along Upper Stump Road. A very lengthy discussion took place.

Public Comment:

1. Mr. Don Rohrbaugh of Upper Stump Road would be most impacted by headlights from the proposed through road across the street from his home. He noted that as long as the street is angled so that the headlights from vehicles leaving the development do not shine directly into his home, he would not be opposed. Mr. Rohrbaugh also believes that the proposed berm would assist with drifting snow during the winter months.

Mr. Rohrbaugh asked if he would be required to connect to public water. Chairperson Bennington replied that there is no mandatory connection to public water.

2. Mr. Clarence Blumberg of 625 Upper Stump Road feels that the Planning Commission's suggestion of "a sense of community" is a bit asinine. He commented that this is a rural area, dotted with farms and cornfields, and does not believe he or his neighbors would benefit from seven or eight additional dwellings taking access from Upper Stump Road. His home is quite close to the road, and any driveways across from his home would be a problem for him. Mr. Blumberg is also very concerned about stormwater runoff, noting that the roadway in front of his property tends to flood

significantly during heavy rainstorms. He fears the possible runoff that will affect his property once this site is developed.

3. Mr. Mark Antunes of 932 Callowhill Road was present when the Planning Commission insisted on an access to Skunk Hollow Road for this development. He believes that there is a possibility of gaining a sense of community within a cluster of streets or dwellings that tend to face each other, without having to go out onto a busy existing road. He feels that the socialization process is basically dictated upon who has children, if they are of a similar age, and where those children go for recreation, such as Deep Run or local churches.

While Supervisor Manfredi understands and supports the traditional neighborhood development concept, which makes sense from a community perspective, he does not believe it applies in this instance. Chairperson Bennington agreed, and noted that each time a recommendation comes in from the Planning Commission, it must be reviewed by the Supervisors on a case-by-case basis. Discussion took place.

4. Mrs. Marilyn Teed of Mill Road stated that there was a development proposed on Blue School and Schwenkmill Road where the internal roadway entered onto a road directly across the street from an existing dwelling. At that time, the developer was asked to provide a thick tree buffer to the neighbor across the street so that their home could be buffered from headlights exiting the development.

5. Mrs. Sandy Williamson of Mill Road asked how the developer would access the public water line. She is concerned about Rt. 152 once again being ripped up for the extension of public water from the Oskanian Tract Subdivision. Mr. Sudfeld explained that while no final decision has been made, the plan proposes either the extension of public water or an on-site community well to serve the development. Discussion took place.

6. Mrs. Nancy Boice of Mill Road noted that part of the objection the Planning Commission expressed was the establishment of a permanent cul-de-sac street. She suggested that instead of the cul-de-sac street running north to south, a second through street be proposed, with reverse frontage lots off Upper Stump Road, thereby eliminating the cul-de-sac street. Mr. Guidos commented that that scenario would create difficulties with lot depth-to-width ratios, as well as some other engineering issues.

The developer thanked the Board for their direction, and the sketch plan was tabled pending further review once a preliminary plan has been submitted.

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

1. Hilltown Chase Subdivision – Mr. Cornelius Simpkins, Director of Corporate Community Relations for the Elliott Building Group, was in attendance to discuss the status of public improvements for the Hilltown Chase Subdivision. Mr. Wynn's October 22, 2004 status of improvements letter was discussed.

Mr. Wynn explained that approximately 75% of the damaged concrete curb depressions at the driveways have been replaced, 75% of the damaged concrete driveway aprons have been removed and replaced, 75% of damaged concrete curb has been replaced, and some grading work has been completed in the swale between Lots #22 and #23. Most of the stockpiled topsoil has been removed or used for re-grading. Stormwater Management easement/swale along the rear of Lots #10 through #15 have been re-graded to eliminate ponding water/wet conditions. Mr. Wynn notes that if these grading revisions are not successful in eliminating this condition, underdrains must be installed within the casement. As of last Friday, approximately half of the lot driveways were paved with wearing course material, and the open space area had been mowed. Detention Basin #2 has been converted to permanent condition, however, a revised as-built plan has not been received for review, and the sediment riser has not been removed from the basin. Mr. Wynn had instructed the Elliott Building Group to contact the Bucks County Conservation District for approval to remove the sediment risers, however as of October 22<sup>nd</sup>, it was not clear whether the BCCD was contacted or had authorized the removal of the sediment risers.

Mr. Lippincott commented that some property owners expressed concern because they have not received any indication on when their driveways would be done. Due to the inclement weather conditions last week, Mr. Simpkins stated that there have been some delays. He advised that the developer has appointed a new senior project manager, Mr. Bill Raynor, who is a bit more proactive with reaching out to the homeowners. Mr. Simpkins believes Mr. Raynor will be scheduling a meeting with Mr. Wynn's office tomorrow or Wednesday to discuss paving of the development. In Mr. Wynn's correspondence to Mr. Sotak of the Elliott Building Group, he advised of the deadline for paving, which is Saturday, October 30, 2004, according to PennDot publication 408, requiring that all wearing course material must be installed no later than October 31<sup>st</sup> of any calendar year. Since the Development Agreement does not permit work on Sundays, the deadline for paving would be October 30<sup>th</sup>. Further, Mr. Wynn noted that material installed after October 15<sup>th</sup> must be heavy duty, which is a bit different mix than the ID-2 wearing course used during the summer months. Form 408 contains provisions to extend those dates by approval of PennDot, however the Township, as far as Mr. Wynn can recall, has never extended the deadline for development paving. He explained the reason is because the quality of work, both in appearance and the quality of surface, is not as

good as it is when the temperatures are warmer. Mr. Wynn would not recommend any allowance to go beyond the deadline date.

Mr. Wynn stated that it is most important that a leveling course be installed prior to this winter, because there is ponded water that will freeze and become a hazard to vehicles. Further, the binder has been in place for approximately two prior winters. Mr. Wynn explained that binder is a more porous asphalt that allows water to penetrate the surface, and therefore, this binder would begin to unravel if left through another winter. He recommended that the developer be required to install a tack coat and leveling course for this winter and then install wearing course in the spring. Along Telegraph Road, swales must still be installed, though PP&L poles must be moved before that can be accomplished.

Mr. Wynn advised that there are several items that have not yet been completed which are not weather-related, such as installation of property corners that will not be disturbed by soil grading. Provided both the air and surface temperature is 40 degrees and rising, installation of tack coat and leveling course on the interior roadway could be accomplished to create the crown, and reduce the irregularity of the roadway, and to eliminate most of the ponding. Mr. Wynn noted that the leveling course by itself is not dependent on every bit of the curb being completed.

Mr. Simpkins will be meeting with Mr. Larry Otter, a Hilltown Chase resident who represents some other residents of the development on November 1<sup>st</sup>, to discuss any further homeowner's issues. Discussion took place. Mr. Lippincott was directed to personally oversee communication with the developer to facilitate completion of the outstanding improvements and to insure that the resident's concerns are addressed expeditiously.

Public Comment:

1. Mrs. Joann Knauff of 22 Paige Trail asked Mr. Simpkins if the developer intends to be at the site every day this week in order to pave driveways before the Saturday deadline. Mr. Simpkins replied that they will, and commented that the Elliott Building Group will make its best effort to pave all of the driveways. Previously, Mr. Lippincott had been meeting with the contractor and the project manager every morning at 8AM to determine what work would be accomplished that day. Mr. Lippincott explained that those meetings were reduced to twice a week when progress was being made, however he noted that he would again be meeting with them on a daily basis beginning Wednesday, October 27, 2004.

Mr. Simpkins provided his phone number – 267-852-4500, ext. 334, and email address [ncil@ebgmail.com](mailto:ncil@ebgmail.com) for residents to contact him directly.

2. Mr. John Thompson of 710 Telegraph Road is also experiencing difficulties communicating with the developer due to the high turnover rate with project managers. Mr. Thompson wishes to have his fence re-installed along the property line so that his horses are no longer confined to one pasture.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to act on the Township Engineer's recommendation of October 22, 2004, including paving of the leveling surface of the internal roadways and other pertinent homeowner concerns to be outlined in writing by Mr. Wynn, for the Hilltown Chase Subdivision public improvements. There was no public comment.

Mr. Wynn advised that the status of the Hilltown Chase public improvements will be reviewed at the November 22, 2004 meeting.

2. Zaks Property Planning Modules – Planning Modules for construction of a Small Flow Sewage Treatment Facility utilizing stream discharge to replace a malfunctioning septic system on Middle Road were presented for the Board's consideration. The Sanitary Sewage System Maintenance Agreement has been executed by the applicant to guarantee future operation and maintenance.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-30, accepting the Zaks Property Planning Modules**. There was no public comment.

3. Lynrose Estates Subdivision – Improvements are anticipated to be completed within the Lynrose Estates Subdivision as of today. Mr. Wynn noted that some very minor items are to be completed this week. Assuming that all items have been accomplished, Mr. Wynn recommended that the Township Solicitor prepare documents as necessary for dedication of the Lynrose Estates Subdivision roadway for acceptance at the next meeting. Additionally, Mr. Wynn spoke with the developer, who noted that there is 2,325 ft. of road that the Township will be accepting at part of this development, however at this time of the year, the Township would not be receiving Liquid Fuels funding for next year. It is Mr. Wynn's understanding that the developer would agree to a condition that they would reimburse the Township for the loss of Liquid Fuels funding for the upcoming winter.

4. Summer Lea – Heritage – The portion of the Summer Lea Subdivision under construction by Heritage Building Group (apartment units) had an improvements completion deadline of September 25, 2004. The improvements are guaranteed by Wilmington Trust of Pennsylvania with a current escrow balance of \$188,583.50. Correspondence from the Heritage Building Group requests an extension until September 25, 2005.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant an extension until September 25, 2005 to the Summer Lea (Heritage) Subdivision for completion of public improvements, as noted above. There was no public comment.

G. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager --

1. The Supervisors have been invited to attend the 50<sup>th</sup> anniversary of the Pennridge High School to be held on Sunday, November 7, 2004 from 1:00PM to 5:00PM in the original high school (now the lower building).

2. On behalf of the Pennridge Area Coordinating Committee, Mr. John Cornell, Manager of East Rockhill Township, has forwarded an additional Borton Lawson Engineering contract for services related to the CZM Grant, which was recently obtained by the PACC. Under the Coastal Zone Management (CZM) Grant, \$40,000.00 has been allocated toward the project. The \$66,000.00 contract is for engineering services related to the scope of work for the CZM project. It is Mr. Cornell's understanding that the four Townships within the PACC have agreed to cover the cost of this contract equally in the amount of at least \$6,500.00 each. It is further understood that these costs are in addition to the existing contracts already open and in place with Borton Lawson Engineering.

Supervisor Bennington requested that this issue be tabled until he can obtain further clarification at the next PACC meeting, which is schedule for this coming Thursday evening.

3. Copies of the May 2004 Planning Commission worksession meeting minutes where discussion of the Trade Business Ordinance took place, as well as a copy of the August draft of the Trades Business Ordinance was provided in the Supervisor's packets. Supervisor Bennington wondered why the Planning Commission recommended five-acre limits as opposed to three acres. Mr. Wynn did not know the Planning Commission's rationale for that recommendation. His recommendation had been for less than three acres, however if the choice of acreage is between three acres and five acres, he would prefer three acres. For the various types of uses, Mr. Wynn does not understand why a property owner would be required to have an area that is larger than what a normal lot size would be. Supervisor Manfredi believes that the Board needs to be careful not to permit a commercial use in the RR District. Mr. Wynn commented that the language in the proposed Ordinance, which states "No assembly, manufacturing, processing, wholesale shall be conducted on the property" would not necessarily prevent a trade business from growing into something that the Township would find undesirable in a residential neighborhood. Chairperson Bennington suggested that perhaps a list of specific permitted trades could be included in the Ordinance language. Solicitor

Grabowski commented that the Board could be as specific as they desire, however there is no guarantee that a court would agree. He suggested that the Board develop their policy first, after which the exact language could be inserted in the draft Ordinance. A lengthy discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the proposed draft Trade Business Ordinance to be forwarded to the Township Solicitor and the Bucks County Planning Commission for review, and to seek their opinion as to whether or not it should be included in the Zoning Ordinance revision or as a stand-alone Ordinance. There was no public comment.

H. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager –

1. The Supervisors have been invited to attend the 50<sup>th</sup> Anniversary Open House of the Bucks County Department of Health. Two celebrations will be held – one on Sat. November 13<sup>th</sup> from 1:00PM to 4:00PM at the Neshaminy Manor Center in Doylestown, and one on Saturday, November 20<sup>th</sup> from 1:00PM to 4:00PM at the Bucks County Government Services Center in Levittown.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. With regard to the proposed Trade Business Ordinance, Mr. Mark Funk of Broad Street noted that there is a requirement that all equipment must be stored inside a building, and the business owner may only hire two employees outside of the family, which in his opinion, would limit how large a business could be. He advised that Bedminster Township has a similar Ordinance, however there is no requirement to store equipment inside a building. Mr. Funk is a contractor, and explained that his employees meet at the site for approximately a half hour before leaving for the job site, then returning in the afternoon to pick up their vehicles to go home. He commented that if manufacturing were taking place on the site, it would be a different story, however that is not what this proposed Ordinance was designed for. Further, Mr. Funk noted that this proposed Ordinance seemed to get extremely bogged down when the Planning Commission attempted to tie it in to saving a barn. Discussion took place.

2. Mrs. Alice Kachline of Mill Road advised that the Hilltown Civic Association would be holding Candidates Night on Tuesday, October 26, 2004 at 7:30PM here at the Municipal Building.

3. Mr. Jack McIlhinney of Broad Street asked the date and time of the next PACC meeting. That meeting will be held on Thursday, October 28, 2004 at 7:30PM at the Bucks County Community College.

4. Mrs. Marilyn Teed of Mill Road encouraged the Supervisors to schedule a date to hold the so-called "Sewer Summit" in the near future so that the rumors and the petitions containing misinformation that are presently circulating in the Township can be put to rest.

5. Mr. Harry Mason of Morgan Lane suggested that small desk lamps be purchased for the Supervisors to use when lights in the meeting room are turned off to accommodate slide presentations.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Manfredi, along with the Township Manager and the Fire Marshal, met with the Telford Borough Authority, who graciously offered to discuss the rates that are set for the fire suppression systems in the Village at Dorchester. He explained that TBA had set a rather high rate that is unacceptable to the residents of that development. It appears that TBA is willing to work with the Township to resolve this issue.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize the Township Manager, Fire Marshal, and Hilltown Authority Manager to meet with Telford Borough Authority to discuss the methodology for setting rates for fire suppression systems in the Village at Dorchester Subdivision, and to make recommendations to the Board of Supervisors as to how to address the rate structures as they currently exist with the issue of fire suppression; and additionally, to authorize Solicitor Grabowski to review the Township's agreements with all of the agencies currently providing water and sewer service within Hilltown Township boundaries to determine what authority the Township has given through those agreements as well as what options might be available. There was no public comment.

2. Chairperson Bennington reminded residents that October 31, 2004 is Halloween and cautioned them to be mindful of children trick or treating on area roadways.

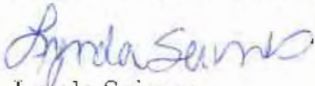
L. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.



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M. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the October 25, 2004 Hilltown Township Board of Supervisors meeting was adjourned at 9:55PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary