

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, September 27, 2004
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:35PM 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, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bennington announced the Board met in Executive Session prior to this meeting, minus Supervisor Manfredi, to discuss legal issues (H & K Quarry), the Patel Re-Zoning Request, real estate, and personnel.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Lawrence Otter of 33 Paige Trail wished to address the issue of the status of required improvements for the Hilltown Chase Subdivision, listed as Item #6a on the agenda.

B. CONFIRMED APPOINTMENTS:

1. Mr. David Shafkowitz – Possible Redevelopment of Pond View Estates -- Mr. Shafkowitz was present to discuss the proposed 10 lot subdivision located at the corner of Telegraph Road and Rt. 113 on the Grasse property. The plan has received preliminary approval, and the Supervisors have had previous discussions about potentially extending public sewer to this particular property, though no decision has been made. Mr. Shafkowitz is seeking the Board's direction for the possible re-zoning of the property, and would ask that the Supervisors authorize the Township professional staff, including Solicitor Grabowski, Mr. Lippincott, Mr. Wynn if necessary, and the Bucks County Planning Commission, to determine what potential uses would be viable for that particular property. In Mr. Shafkowitz's opinion, this would be a collaborative planning effort to see if the property could be used in any other way that would benefit the Township, the developer, or the property in particular. He advised that the developer would post the necessary escrow to cover any review fees that would be associated with this process. Mr. Shafkowitz explained that the issue that has brought this request to light is that the developer is in the process of putting the entire property under agreement.

As the Board may recall, there was originally to have been an area that was going to be excluded from the development, however that has since changed.

Before Chairperson Bennington would even be willing to discuss Mr. Shafkowitz's request, he wanted to know how the developer intends to address the outstanding issues and resident's problems in the Hilltown Chase Subdivision. Mr. Shafkowitz advised that he personally has no authority or information to discuss the situation at the Hilltown Chase Subdivision, since he is not part of the Elliott Building Group's construction or improvements departments. He is aware that a number of letters have been sent back and forth between the Elliott Building Group and the Township, and that the developer has been threatened that the Township may be calling the bond on the development. Mr. Shafkowitz understands that arrangements were made with the Township Engineer's office to prepare a punchlist for the Hilltown Chase Subdivision. To his knowledge, the developer is actively pursuing satisfaction of the items on that punch list as diligently as they can and as weather permits, and will continue to do so. Mr. Shafkowitz is aware that there are particular outstanding lot issues and that the Board is not interested in listening to the comments of each individual lot owner because these problems are between the lot owners and the Elliott Building Group.

Chairperson Bennington asked if Mr. Shafkowitz was also present this evening to address Item #6a on the agenda. Mr. Shafkowitz replied that he did not even know the Hilltown Chase status of improvements was listed on the agenda. Therefore, Mr. Shafkowitz suggested that a meeting be organized with the affected Hilltown Chase property owners, Township representatives, and the proper representatives of the Elliott Building Group in the future. Chairperson Bennington stated that he is not going to discuss a possible change to the Pond View Subdivision, until the Elliott Building Group addresses the outstanding issues of Hilltown Chase, which many residents were present to discuss this evening. Mr. Shafkowitz noted that the main reason he responded to Solicitor Grabowski's recent correspondence with regard to the calling of the Bond is because it is a legal issue.

Mr. Wynn stated that the dedication punchlist schedule as submitted by the developer has not come close to being completed, and he has not had much cooperation from the developer to address these issues. Mr. Shafkowitz noted that there have been three or four hurricanes that have swept through this area, including an enormous amount of rain, which has made it difficult to complete these improvements, and therefore, the developer has requested additional time to complete the punchlist. As he stated in his correspondence to Solicitor Grabowski, Mr. Shafkowitz does not know if the Board, either under the Development Agreement or under requirements of the MPC, permitted to just default the Bond without providing the opportunity for an extension as long as the additional financial security is posted. Mr. Shafkowitz believes it would be a mistake on the Township's part, to some extent, to default this particular developer, since the

Township obviously does not want to complete those improvements, and the developer has every intention of completing those improvements once an extension has been granted. Discussion took place.

Solicitor Grabowski commented that the work must be done expeditiously, whether it is done by the Township or by the developer. He suggested that a meeting take place this week to determine an absolute concrete commitment as to when each item on that punchlist will be accomplished. If some conclusion is not reached this week, or next, at the latest, Solicitor Grabowski suggested that the Board take action at their October worksession meeting. Further, he believes that the developer should be required to place additional funds in escrow for completion of those improvements.

Supervisor Manfredi is not willing to authorize a meeting between the Township and representatives of the Elliott Building Group, unless every Hilltown Chase property owner would have the opportunity to share their concerns as well. Supervisor Egly agreed. Mr. Shafkowitz concurred that the Elliott Building Group should meet with the Township, as suggested by Solicitor Grabowski, since the calling of the Bond is of immediate importance to all the parties involved. Then, Mr. Shafkowitz suggested that the developer meet with each Hilltown Chase resident individually to discuss and address their personal concerns. Chairperson Bennington disagreed, feeling that each resident should be addressed at the same meeting, with Township representatives present. Discussion took place.

Public Comment:

1. Mr. Larry Otter of 33 Paige Trail, a homeowner in the Hilltown Chase Subdivision, also represents a number of other residents in that subdivision. He stated that many residents are very unhappy with the Elliott Building Group, who they have attempted to contact on many, many occasions to no avail. When these residents have gotten answers from the developer, Mr. Otter noted that the answers were less than truthful. Mr. Otter respectfully suggested that the Township schedule this meeting, and direct that the developer provide notice of the meeting to all of the affected Hilltown Chase residents, to be held here at the municipal building.

2. With regard to Mr. Shafkowitz's request concerning Pond View Estates, Mr. Jack McIlhinney of the Hilltown Landowner's Association, raised an objection to the developer having a private meeting with the Township staff on an issue that may not even be in the Township's Zoning Ordinance. He felt that it would be one thing for a developer to meet with Township staff on an issue that is in accordance with the Zoning Ordinance for direction or clarification, however Mr. McIlhinney commented that it would be something else to meet in private to discuss things that are not in the Zoning Ordinance, such as conservation cluster developments. Also, bearing in mind that the Rt.

113 Heritage Corridor, which appears to be considered a 4-lane highway, passes right in front of this property, Mr. McIlbinney can only imagine what type of developments could be thought of as appropriate for that particular parcel. If the developer wants to have a meeting, Mr. McIlhinney believes it should be a public meeting so that all Township residents.

3. Mr. John Haus of 17 Paige Trail has had nothing but promises from the Elliott Building Group, with not one being fulfilled. At present, there are driveways that are disintegrating, because they have not been properly resurfaced. It is also Mr. Haus's understanding that some of the new concrete work recently completed by the developer was done incorrectly. Mr. Haus noted that it is impossible to get anything accomplished by the developer, and he feels that whatever the Township has to do to force the Elliott Building Group to complete this project, the Township should do now, without granting additional extensions.

Chairperson Bennington felt that a public meeting should be held with the Township Engineer and staff, along with representatives of the Elliott Building Group and the affected Hilltown Chase homeowners. Supervisor Manfredi concurred. Mr. Shafkowitz does not see the benefit to a public meeting, however he will take the Board's request back to the developer. Supervisor Egly wondered how else the developer could be persuaded to complete these outstanding items. Mr. Shafkowitz commented that if the Board felt it was appropriate, they should default on the Bond. If that is what he wants, Chairperson Bennington would be willing to default the developer this evening. Mr. Shafkowitz believes that there are other mechanisms available, and requested authorization to meet with Solicitor Grabowski, and if required, with Mr. Wynn as well, to address this issue without defaulting the Bond. Mr. Shafkowitz noted that he was not advised that this issue would be on tonight's agenda. Mr. Wynn stated that notification was sent to a number of Elliott Building Group's representatives, suggesting that someone should be present this evening.

Chairperson Bennington directed Mr. Shafkowitz to advise the developer that the Township will be holding one more meeting with the Hilltown Chase residents and the Township Engineer to discuss the outstanding punchlist items with representatives of the Elliott Building Group. If the developer is opposed to the suggested meeting, Chairperson Bennington noted that the Elliott Building Group would be defaulted at the October worksession meeting. Discussion took place. Mr. Shafkowitz agreed that the developer would schedule a meeting with the Hilltown Chase residents and the Township Engineer prior to the next worksession meeting, which is October 11, 2004, or they would be found in default.

***8:06PM – Public Hearing – Chairperson Bennington adjourned the regularly scheduled meeting of the September 27, 2004 Board of Supervisors to enter into an**

advertised Public Hearing to consider the Patel Property (TMP #15-022-160) re-zoning request from PC-1 to RR.

Solicitor Grabowski explained that a zoning change was filed by Mr. Manshi Patel, requesting that the Township amend its Zoning Ordinance by the specific change to the official Zoning Map of Hilltown Township of the Zoning District Classification to TMP #15-022-160 from PC-1 (Planning Commercial 1) to RR (Rural Residential). Said property is located on Mill Road approximately 350 ft. east of its intersection with Rt. 309. The Public Hearing was properly advertised in the Doylestown Intelligencer on September 3rd and 10th. The application and the supporting data has been on file here at the Township Building, as well as at the Bucks County Law Library in Doylestown, PA. The Bucks County Planning Commission review dated July 7, 2004 was discussed. Solicitor Grabowski summarized that review as follows: "Given the parcel's location at the boundary of two Zoning Districts, re-zoning the site to RR from PC-1 appears compatible with existing zoning in the area." Mr. Wynn advised that the Hilltown Township Planning Commission recommended denial of the application at their meeting on July 19, 2004, which is reflected in their minutes of that same date.

Mr. Joseph Kuhls, the applicant's legal counsel, provided a plan showing the parcel in question, a 2.8-acre parcel currently zoned PC-1. The proposal is to rezone the parcel as RR, which Mr. Kuhls noted is the abutting Zoning District, and therefore, would not be considered a matter of spot zoning. The parcel is currently unimproved. Mr. Kuhls noted that there is no public water or sewer currently available anywhere near the site, and it is his understanding that the Township's Act 537 Plan does not propose any public water and sewer in that area in the near future. He advised that development under the Zoning Ordinance requires public water and sewer for the PC-1 Zoning District, and stated that it would be virtually impossible to develop the property in conformance with the Zoning Ordinance as currently zoned. Mr. Kuhls stated that due to the nature of Mill Road, which has a 20 ft. wide cartway and is defined as a local access road, which also points to the fact that this property is more suitably developed as residential rather than as PC-1. The property immediately in front of the subject parcel, which actually fronts on Rt. 309, contains a non-conforming residential use. The owners of that property, Mr. and Mrs. Jordan, were present this evening, and are in support of the re-zoning request. Mr. and Mrs. Jordan were also present to answer an issue that was raised by the Hilltown Planning Commission, which was whether or not they would be interested in selling their property in order to merge these two parcels into one to be used as a larger commercial parcel fronting on Rt. 309. Mr. and Mrs. Jordan are not willing to sell their property. Mr. Kuhls stated that the property immediately opposite Mill Road fronting on Rt. 309 is also put to a residential use, and the subject parcel is surrounded to the north by the Bucks County park land, which to his understanding is preserved open space. The applicant presented an Impact Assessment Report to the Hilltown Planning Commission, which points out a number of other reasons why this parcel is more suitably zoned and

developed as Rural Residential. If approved, the applicant intends to subdivide the property into two residential lots.

Public Comment:

1. Mr. Ed Jordan who lives on the corner of Rt. 309 and Mill Road, purchased his property in 1961, when it was zoned Agricultural. At some point, the zoning was changed to PC-1, however his property was grandfathered in as residential. He would much rather see that neighboring property with a residential use, and therefore, is in favor of the re-zoning request.

2. Mr. Jack McIlhinney of Broad Street feels that as a general practice, if the property is located adjacent to a residential area and the applicant is willing to "downgrade" the property to a more non-intrusive use such as residential, it should be approved.

3. Mrs. Marilyn Teed of Mill Road is also in favor of re-zoning this parcel to RR. She reminded the Board that there is really no way to provide sufficient access to it for any commercial use because Mill Road is very steep in that area. Mrs. Teed pointed out that the map presented is deceiving since it lists the County's earthen dam as PC-1 zoning, which will never be developed. She believes that the parcel in question would blend in very nicely with the Rural Residential area.

4. Mrs. Jordan of 1 Mill Road commented that it makes no sense to have a piece of commercial property between two residential uses, with the County's earthen dam located across the street. She is definitely in favor of this property being re-zoned to Rural Residential.

Supervisor Manfredi asked the size of the Jordan parcel. Mr. Jordan replied that it is 1.96 acres in size. Supervisor Manfredi wondered if there would be any commercial use, from a marketing perspective, that would be compatible on a less than 2-acre parcel under the current Zoning Ordinance requirements. Mr. Wynn noted that the Wawa site currently under construction is on a parcel that is less than 2 acres in size, and the bank property at the former Sernoff Seafood site is also less than 2 acres in size.

Supervisor Manfredi had difficulty with incrementally amending the Zoning map, and wondered if it made good sense with the existing Comprehensive Plan and the existing Zoning Map. He noted that the Township is in the process of revising the Zoning Ordinance, and wondered if it was reasonable to revise the Zoning Map at this time for one parcel. Supervisor Manfredi was also reluctant to make a decision without first considering the Planning Commission's reasoning and logic for denying the applicant's request. A lengthy discussion took place. Supervisor Manfredi was provided a copy of

the Planning Commission's July 19, 2004 meeting minutes where this issue was discussed.

Public Comment (Continued)

1. Mr. John Kachline of Mill Road asked how the property could be subdivided into two residential lots if public water and sewer is not available. Mr. Wynn replied that for a minor subdivision, public water and sewer is not required.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2004-7, amending the official zoning map of Hilltown Township to change TMP #15-022-160 from PC-1 (Planned Commercial 1) to RR (Rural Residential)**. There was no public comment.

***8:30PM – Chairperson Bennington adjourned the advertised Public Hearing and reconvened the regularly scheduled September 27, 2004 Hilltown Township Board of Supervisors meeting.**

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

1. Solicitor Grabowski presented the Zaks Small Flow Treatment Facility Agreement for a property located on Middle Road, which currently contains a failing system. The applicant has provided the required executed Maintenance Agreement and the necessary funding in the amount of \$2,500.00.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Zaks Small Flow Treatment Facility Agreement, as noted above. There was no public comment.

2. Solicitor Grabowski presented the Scholl Subdivision Declaration of Road Frontage (Minsi Trail) Easement Resolution for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-24, accepting the Scholl Subdivision Declaration of Road Frontage Easement for Minsi Trail**. There was no public comment.

3. Solicitor Grabowski advised that oral argument regarding the lawsuit involving stormwater management that is before the Pennsylvania Commonwealth Court has been scheduled for November 1, 2004 in Philadelphia.

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

1. CVS Pharmacy (Midlantic Real Estate) – The preliminary plan was recommended for approval by the Planning Commission (6:1 vote with Mr. Beatrice opposed) for construction of a CVS Pharmacy at the intersection of Rt. 313/Rt. 113. The recommendation is conditioned upon compliance with all outstanding items as contained within the engineering review dated September 10, 2004, resolution of the Fire Marshal review/waiver regarding parking setback from the proposed building, and resolution of the architecture of structure. Waivers requested by the applicant as contained within correspondence dated February 11, 2004 were unanimously recommended for approval with the exception of the waiver requested of Section 523.7.D regarding the required minimum space between a non-residential building and a parking space. This item was deferred until final plan approval to permit review by the Fire Marshal.

Mr. Gavin Labofsky and Mr. Batoff, on behalf of the applicant, were in attendance to present the plan. He noted that the applicant appeared before the Zoning Hearing Board in early August and received a series of variances, which are identified in Mr. Wynn's review. Mr. Batoff presented seven architectural renderings of the proposed CVS for the Board's consideration. Although some types are more expensive than others, the applicant is willing to construct any one of the seven building types.

Chairperson Bennington noted that the applicant had erected a "Welcome to New Britain Township" sign at their Fountainville store, and requested that a "Welcome to Hilltown Township" sign be erected at this site as well. The applicant was agreeable.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to recommend conditional preliminary plan approval to the CVS Pharmacy land development, pending completion of all outstanding items as noted in Mr. Wynn's September 10, 2004 engineering review, subject to review by the Fire Marshal of waiver request of Section 523.7.D, and with the stipulation that "Welcome to Hilltown Township" signs be placed at the site. There was no public comment.

2. Smith Tract Subdivision – Mr. Wynn advised that the Planning Commission unanimously recommended the final plan for the Smith Tract Subdivision for denial unless an extension is received prior to the current deadline for action of October 16, 2004. Via correspondence dated September 22, 2004 from the Elliott Building Group, the timeframe for review has been extended to December 30, 2004. No action is required at this time.

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

1. Hilltown Chase Subdivision Status of Required Improvements – This issue was discussed earlier in the meeting under the “Confirmed Appointments” section of the agenda.

2. Lynrose Estates – The deadline for completion of improvements at the Lynrose Estates Subdivision located on Mill Road is September 30, 2004. The developer has indicated that they expect the paving work to be completed during the week of September 27, 2004, weather permitting. They are requesting an extension to October 30, 2004 to complete any miscellaneous remaining items, and make arrangements to provide for the maintenance bond/escrow.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the extension for completion of improvements for the Lynrose Estates Subdivision until October 31, 2004. There was no public comment.

3. Beres Subdivision – Improvements required at the minor subdivision located on Dublin Road (driveway entrance/infiltration bed) have been completed. Accordingly, Mr. Wynn recommended that the Board accept completion and commencement of the 18-month maintenance period for the Beres Subdivision.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept completion and commencement of the 18-month maintenance period for the Beres Subdivision. There was no public comment.

F. MANAGER’S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. A Zoning Hearing Board application has been received from James and Jill Groff, requesting a dimensional variance to allow construction of a bedroom addition to their existing residence located at 1331 Fairhill Road. The variance is to allow an encroachment into the 25 ft. side yard setback of a distance no greater than 6 ft.

2. Additional information that the Board requested regarding the Bucks County Transportation Management Association was provided to the Supervisors for review.

3. Mr. Lippincott has been invited to attend a municipality insurance seminar on October 13, 2004 at the Holiday Inn in Bethlehem being sponsored by the Township’s insurance carrier, Brown and Brown Insurance. Topics of discussion will include Recent Large Claims Against Municipalities, Employee Benefits, Risk Management, and Workers’ Compensation.

4. Senator Conti will be holding a Town Meeting here at the Municipal building on Wednesday, October 20, 2004 at 7:15PM.

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

1. A revised Scope of Services for the County Line Road/Rt. 309 Intersection Feasibility Study has been received, with total costs not to exceed \$10,000.00. If Montgomery County were able to fund 50% of the cost, the seven municipalities would be responsible for \$714.00 each. The group is requesting that each Township provide a decision with regard to their financial commitment to participate in the funding by October 1, 2004. Mr. Lippincott advised that New Britain Township and Montgomery Township have agreed to provide their financial commitment, if Montgomery County funds 50% of the cost. A lengthy discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to provide the \$714.00 financial commitment to participate in funding for the revised Scope of Services for the County Line Road/Rt. 309 Intersection Feasibility Study, if Montgomery County is able to fund 50% of the cost, with the stipulation that the funding would be provided in the 2005 budget. There was no public comment.

2. An invitation has been received from Clemen's Market, inviting the Supervisors to attend the grand opening of their new store at the Hilltown Crossings Shopping Center on Thursday, September 30, 2004 from 5PM to 8PM. Chairperson Bennington asked if the store has received the final Use and Occupancy permit from the Township. Mr. Lippincott did not know, but would check with the Code Enforcement Officer in the morning.

3. The Supervisors have been invited to attend the Lenape Park Expansion Dedication to be held at the Perkasio Borough Action Sports Park on Constitution Avenue in Perkasio on Sunday, October 3, 2004 at 12Noon. This event coincides with the Perkasio Borough 13th Annual Fall Festival.

4. Correspondence was received from Jeffrey Trauger, a former resident of Blooming Glen, thanking the Board for taking proactive measures to preserve the historic character of the village of Blooming Glen, which was recently featured in the Bucks County Planning Commission's newsletter.

5. Correspondence was received from the Liberty Bell Trail Study Group, requesting that the Board adopt a Resolution in support of the proposed concept for the Liberty Bell Recreation Trail, a 25-mile trail from East Norriton Township in Montgomery County to Quakertown Borough. The intent of the study is to assess whether it is possible and practical to develop a trail utilizing the former route of the

historic Liberty Bell trolley and to identify alternative alignments where the old trolley corridor is unavailable or to make the trail more functional and safe. This is only a feasibility study, and the committee hopes that the Board will consider adopting the support Resolution for future planning purposes, noting that the Resolution is not binding. The Board requested additional information.

H. MYLARS FOR SIGNATURE: Mascaro/PECO Subdivision

I. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road submitted a request for a copy of an outline of the scope and schedule of the Mill Road drainage work to be completed, however she has not yet received that information from Mr. Buzby. Mr. Wynn completed a plan schedule for work to be completed for the lower section of Mill Road near Park Road, for which an approval from Bucks County was received today. It is Mr. Buzby's intent to complete the lower portion of Mill Road later this fall. Mr. Wynn explained that the work to be completed this fall is from where the channel crosses Park Road, several hundred feet from Mill Road up to the intersection of Mill Road. Supervisor Manfredi commented that the Board has asked Mr. Buzby to compile a list of projects he would like to see funded in the 2005 budget. Mr. Wynn will provide Mrs. Teed with a copy of the scope of work that is proposed to be completed this fall. Discussion took place.

Mrs. Teed is aware that a petition is circulated by the Friends of Hilltown, along with distortions of truth about public sewer lines fostering development. With all of the misinformation being spread by the Friends of Hilltown members, Mrs. Teed commented that the Township cannot waste time in providing correct information to the public. She stated that "these spreaders of emotional babble are fostering fear and hatred in our community and I want them stopped by you, giving out correct information." Even the educated people Mrs. Teed has spoken to do not know and were surprised to hear that density is controlled by public water, not by public sewer. Therefore, Mrs. Teed asked if a date has been scheduled for the so-called "sewer summit" as was discussed at a previous meeting. Supervisor Manfredi replied that the Board has discussed holding another meeting just for those issues once some additional facts and information has been received, however no date has been set at this time. Chairperson Bennington believes that Supervisor Manfredi clarified at a previous meeting that density is governed by zoning, which is truly the bottom line. Mrs. Teed feels that a public meeting on this topic would be beneficial for all Township residents. Discussion took place.

Mrs. Teed recalls that at the last Planning Commission meeting, Mr. Johnson made a statement that he is subdividing his property in order to make enough money to afford to live in Hilltown Township. Mr. Johnson later told Mrs. Teed that he originally wanted to

subdivide only one lot for his son to construct a home, however he has had to subdivide many lots due to the financial commitment involved with all of the public improvements (roadway paving, etc.) that would be required for a minor subdivision. It appears to Mrs. Teed that there is a huge communication gap between what goes on in the private meetings with the Township staff and the developer, and the Planning Commission. She believes that providing this information would greatly slow the rate of development and allow landowners to do as they please with their property. Mrs. Teed understands that even to get to the point of appearing before the Planning Commission, an applicant must spend thousands of dollars on engineering and surveying, etc.

Mr. Wynn explained that Mr. Johnson never proposed a two-lot minor subdivision, he initially proposed five lots. Further, he was told that street improvements were required, which is normal. Mr. Wynn advised that there are improvements on Schultz Road across the street from the site, including curbing and sidewalk. At the sketch plan stage, Mr. Johnson asked the Planning Commission whether or not those improvements were required, and he was told that they were. Mr. Wynn agreed that it is expensive to subdivide in all cases. He noted that Mr. Johnson had many perk tests to do and ended up with alternate systems to serve those lots, which also increases the cost tremendously. Now, Mr. Johnson is proposing to reconfigure two of the lots in his original subdivision so that a road can be put through his property to access the Gitlin property to the rear for additional development by Toll Brothers. Mrs. Teed commented that it is possible that other engineers gave Mr. Johnson that information, which is why he did not initially propose a two-lot subdivision. Mr. Wynn agreed that anything is possible, however what Mrs. Teed previously indicated was that Mr. Johnson was channeled from a minor subdivision to a major subdivision due to the cost of improvements, which is not the case. Further, Mr. Lippincott noted that the requirement for public improvements is less prohibitive for a minor subdivision than they are for a major subdivision. Supervisor Manfredi agreed, noting that it also depends on the applicant and the engineering firm that they contract with, as well as the difficulties presented with each, individual piece of property. Mr. Wynn commented that the cost of subdividing, which includes soil testing, survey boundaries, perk tests, etc. is high everywhere, not just in Hilltown Township.

Mr. Wynn pointed out that Mr. Johnson's first subdivision provided a lot fronting on Diamond Street for his son, and the Supervisors, based upon the recommendation of the Planning Commission, waived all street improvements for that particular lot. Therefore, if Mr. Johnson had only subdivided off that one lot for his son, he would most likely not have been required to do any street improvements.

2. Mrs. Alice Kachline of Mill Road reminded those in attendance that Monday, October 4, 2004 is the last day to register to vote. There are registration forms available in the administration office, Representative Watson's office, and the Tax Collector's office, as well as at local post offices.

On Tuesday, October 26, 2004 at 7:30PM here at this building, the Hilltown Civic Association is sponsoring Candidates Night with representatives of the 8th Congressional District, and the 144th House of Representatives participating.

Mrs. Kachline commented that as usual, Mrs. Teed is saying things that are not true. She noted that the Friends of Hilltown did not initiate the petition regarding public sewers. The petition was brought to a Friends of Hilltown meeting, where several of their members agreed to circulate the petitions, including Mrs. Kachline.

At last month's meeting, there was discussion about signage notifying motorists that they are entering Hilltown Township. Mrs. Kachline obtained quotations for the available designs and costs involved from Signs and Display, who has done work for her and for the Township in the past. She was provided with copies of the designs that were done for Telford Borough and Souderton Borough. Mrs. Kachline presented this information to the Board of Supervisors, along with photographs of various municipal and borough signs. Further, she suggested that perhaps organizations, businesses, individuals or developers, such as what was done with the CVS proposal this evening, could be asked to purchase the signs.

Chairperson Bennington asked to see a copy of the petition regarding public sewers that Mrs. Teed referred to, which Mrs. Kachline provided for review. Chairperson Bennington read the petition, and commented that the information was incorrect. He noted that whether a site is serviced by a package treatment plant or public sewer, there is no difference in the number of dwellings that are permitted. Discussion took place.

The last sentence of the petition states "We request that public sewer service be limited to the designated development district, and restricted from the Rural Residential District." Supervisor Manfredi wondered why the petition speaks of restricting public sewer service, but does not refer to public water, which is what would increase the number of lots. Mrs. Kachline did not generate the petition and therefore, did not know why public water was omitted, however she agreed with Supervisor Manfredi that public water does promote additional lots. However, she is also opposed to the extension of public sewer into the RR District, because she feels it will promote additional development. Mr. Wynn commented that public sewer does not increase the number of dwellings that could be constructed under SALDO requirements, unless there are portions of the property that would not perk for any system. However, even if that is the case, Mr. Wynn explained that there are alternative systems such as Individual Small Flow Treatment Facilities or a package treatment plant for the entire development, which would allow the same number of dwellings. The extension of public sewer does make it easier for a developer from the standpoint that there is much less soil testing involved. Mrs. Kachline has no problem with a property owner developing their land in the RR District, but she feels that they should be required to follow the regulations as outlined in the Zoning and

Subdivision/Land Development Ordinances to do so. It is Mrs. Kachline's understanding that in the RR District with public water, 50,000 sq. ft. lots are permitted. If a developer cannot get perks for 50,000 sq. ft. lots, Mrs. Kachline does not feel they should be permitted to propose those additional lots. Mrs. Kachline does not want to see uncontrolled, irresponsible growth, which is what she feels will happen by extending public sewer into the RR District. Solicitor Grabowski noted that the law does not permit a municipality to regulate the sewer issue, which is a DEP/Board of Health function. Chairperson Bennington was aggravated by the fact that the information in the petition is incorrect. Supervisor Manfredi commented that he proposed the Land Use Summit to begin public dialogue to consider other alternatives and to explore all options. Once the Zoning Ordinance has been updated, Supervisor Manfredi believes that the Comprehensive Plan could be improved and the Act 537 Plan should be reviewed. He is not in favor of extending public water and sewer into the RR District on an incremental basis, and feels that the issue must be looked at comprehensively, substantively, and how it plays into everything the Township is trying to achieve for growing more responsibly. A lengthy discussion took place.

4. Mr. Harry Mason of Morgan Lane advised that the Friends of Hilltown did not initiate the petition against the extension of public sewers into the RR District.

5. Mrs. Judy Greenhalgh of Blooming Glen Road noted that the Liberty Bell Trail was discussed earlier in this meeting, and commented that at one time, the Liberty Bell Trolley traveled down Bethlehem Pike, which means it would have traveled through Hilltown Township. Mr. Lippincott advised that the Liberty Bell Trolley traveled through Sellersville and West Rockhill Township.

Mrs. Greenhalgh provided two clarifications and corrections regarding her comments at the last worksession meeting regarding the water situation of the Morrell family and the Blooming Glen Quarry. Mrs. Greenhalgh advised that the date of the Morrell's first pump replacement was August 2, 2004, which she had incorrectly stated. The depth of the Blooming Glen Quarry was also discussed, and Mrs. Greenhalgh had stated that the depth was near or at 250 ft., however the actual depth was 235 to 240 ft. Further, with regard to the issue of well permits, Mr. Hirschfeld had mentioned that a well on Meadow Drive was either deepened or replaced, the contractor's well was deepened, and the Morrell well was deepened. Mrs. Greenhalgh feels that H & K Quarry should be required to inform the Township when a well is deepened or a new well is dug, in order to track the water issue. She noted that the communication with the H & K Quarry has still not improved and advised that they have not sent any correspondence to the residents who live in the zone of influence, with regard to the digging depths of the quarry and their estimated schedule for reaching 300 ft. in that pit. In conclusion, Mrs. Greenhalgh stated that the Morrell well was dug on September 15th and 16th to 417 ft. The well driller, interestingly enough, told the Morrells that their well was basically dry.

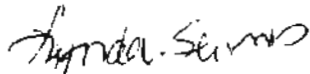
Tomorrow, the Morrells will learn if their water is safe to drink. Chairperson Bennington asked if Mrs. Greenhalgh knew how many gallons per minute the Morrell's well is providing. She believes they are getting 6 gallons per minute. Discussion took place.

J. SUPERVISOR'S COMMENTS: None.

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

L. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the September 27, 2004 Hilltown Township Board of Supervisor's Meeting was adjourned at 9:40PM.

Respectfully submitted,



Lynda Seimes
Township Secretary