

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, March 22, 2004  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:36PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Vice-Chairperson  
Richard J. Manfredi, Supervisor  
Francis X. Grabowski, Township Solicitor  
Tim Fulmer, Township Engineer's Office  
Lorraine E. Leslie, Township Treasurer

Chairperson Bennington announced the Board met on Thursday, March 18, 2004 for annual Road Inspection, and met in Executive Session following the Road Inspection in order to discuss personnel and real estate. The Board also met in Executive Session prior to this meeting to discuss real estate, and legal issues regarding the Miketta and Teed matters. Chairperson Bennington also advised that Mr. Lippincott would not be in attendance this evening.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF CURRENT BILLING: Chairperson Bennington presented the Bills List dated March 23, 2004, with General Fund payments in the amount of \$43,225.47, and State Highway Aid Fund payments in the amount of \$1,273.48; for a grand total of all payments in the amount of \$44,498.95.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to approve the Bills List dated March 23, 2004. There was no public comment.

C. CONFIRMED APPOINTMENTS:

1. Mr. Peter Berthold of PennDot – Rt. 152 Bridge – Mr. Berthold was in attendance to present an overview of the preliminary design plans for the Rt. 152 bridge over Pleasant Springs Creek, and to accept input from the public and the Township regarding the project. At present, the existing bridge is a three span stone masonry closed span arch with a two span pre-cast concrete arch structure, that is approximately 19.5 ft. wide. and 60 ft. long. PennDot is proposing a 61 ft. long structure, pre-cast concrete arch culvert, two span with a 28 ft. opening that is approximately 44.5 ft. wide with two 11 ft. lanes, two 4 ft. wide shoulders, one 4.5 ft. wide buffer zone, and one 10 ft. wide pedestrian/bike trail to be located on the west side. This will facilitate connection of the Perkasio Borough trail system to the Hilltown Township trail system. Mr. Berthold

has been actively working with Mr. Lippincott and Mr. Buzby on the project, which will be 100% funded through the State. The schedule at this time begins with the submission of right-of-way plans in the summer of 2004, which takes approximately one year until clearance is granted. Mr. Berthold expects that the final design of the project will be completed within the next three or four months, and that contractor notice will proceed in 2005, with project completion scheduled for 2006.

Mr. Grant Marshall of KCI Technologies, the engineering consultant for the project, presented plan displays of the project. There are two pre-cast arch culverts proposed at 28 ft. span lengths with 6.5 ft. rise. Mr. Marshall anticipates that the 100-yr. flood will be decreased approximately 1/10<sup>th</sup> of a foot. The roadway will be closed during the construction process, which should take no longer than one construction season, with a detour route proposed utilizing all State routes, including Rt. 152 to Rt. 113 to Diamond Street and then to Rt. 152. Mr. Marshall realizes that there are several Township-owned roads in between that could be used for the detour, however the detour will be assigned to only State roadways. Discussion took place.

PennDot intends to match the general profile of the roadway. The speed limit of 40 m.p.h. will be maintained. Mr. Marshall advised that between the travel-way of the road and the bike path right at the bridge, a divider with a buffer zone of 2½ ft. between the shoulder and the bike path will be installed to prevent vehicles from hitting any pedestrians. The design life for this proposal is 100 years.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked what would become of the stones that the bridge is currently constructed of and the historic plaque that presently is located on the bridge. Mr. Berthold does not know at this time. Mrs. Teed suggested that the original stone be used to face the concrete that will be used to construct the new bridge and that the plaque be re-set in the new bridge. Discussion took place.

Chairperson Bemington asked if Mr. Marshall is comfortable that the existing bridge will not collapse before PennDot actually begins the reconstruction process in 2006. Mr. Marshall advised there is not a tonnage restriction on the bridge at present, noting that usually a tonnage restriction is a dire warning that the bridge would be in danger of collapsing. Therefore, he is fairly comfortable that the bridge would last another couple of years.

2. Mr. Aaron Landis of 704 E. Walnut Street believes it sounds as though the impact on the water flow will be positive. Currently, when the stream runs high, the bridge can tend to cause the stream to back-up and flow over the roadway, which Mr. Landis assumes would be remedied by this proposal. Mr. Landis asked if there are any potential

negative implications of the increased water flow downstream from the bridge. Mr. Marshall replied that there is not. Discussion took place.

Mr. Landis is concerned about the posted speed limit of 40 m.p.h. At present, the existing bridge with its high hump serves as a deterrent to keep speed down at the angled intersection of Walnut Street and South Perkaskie Road near his home. Discussion took place. PennDot will consider Mr. Landis's request to reduce the speed limit.

3. Mr. Alfred Poor of 700 E. Walnut Street asked if any thought was given to retaining the existing bridge to be used as the bike path, and then offsetting the new bridge to the right. This would not address the problems involved with water flow, however Mr. Poor noted it would retain an attractive historical bridge and would keep the bike path totally separate so that there would not be any traffic implications. If this suggestion were to be utilized, Mr. Marshall advised that the Township would lose open space within the Country Road subdivision for construction of the new bridge, and the Township would then become responsible for the maintenance of the new bridge. Discussion took place.

4. On the subject of the Rt. 113 bridge (near Minsi Trail) weight restriction detour, Supervisor Manfredi suggested that PennDot post the notification of the detour along Rt. 113 near Rt. 313.

**\*8:00PM PUBLIC HEARING – Chairperson Bennington adjourned the March 22, 2004 Hilltown Township Board of Supervisors meeting at 8:00PM in order to enter into the advertised Public Hearing to consider the adoption of an Ordinance updating the Zoning Ordinance to FEMA Floodplain Standards; and to consider the adoption of an Ordinance to register deeds at the Township.**

Solicitor Grabowski explained that the first proposed Ordinance would amend Section 1103.1 of the Hilltown Township Zoning Ordinance to comply with the suggested provision of the National Flood Insurance Program and also the Pennsylvania Floodplain Management Act. The Section of the Zoning Ordinance to be amended provides for a revision to the date of the effective Flood Insurance Rate Map. Procedurally, the Ordinance was prepared by the Township Engineer, and was properly advertised in the Doylestown Intelligencer.

Mr. Tim Fulmer of the Township Engineer's office explained that FEMA had contacted the Township several months ago advising that their mapping date was changing to April 2, 2004. In Hilltown Township, none of the floodplain delineations that are shown on the mapping have changed. There were changes made in other municipalities, but because the maps overlap municipal boundary lines, Hilltown's map designation date had to be changed to the current mapping. Mr. Fulmer advised that there are no new regulations

involved, however the Township must update the Ordinance to reflect the current date. The paragraph within Section 1103.1 is proposed to be revised to read:

“This Article will establish and identify those areas of the Township which are subject to flooding. The areas subject to flooding (floodplain area) are identified as Special Flood Hazard Areas (Zone “A”) on the Flood Insurance Rate Map (FIRM), as issued by the Federal Emergency Management Agency (FEMA), dated April 2, 2004, or most recent revision thereof, and also those areas defined as floodplain or floodplain soil pursuant to Section 504 of the Hilltown Township Zoning Ordinance. Any proposed development or new construction within the identified floodplain area shall be subject to the conditions and restrictions of the particular zoning district in which the proposed development or new construction is to be located, as well as the added restrictions and conditions placed upon such activities by this Article.”

Chairperson Bennington stressed that the only change being proposed in this Ordinance amendment is the date of April 2, 2004.

Public Comment: None.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Ordinance #2004-2, amending Article XI, Floodplain Standards of the Hilltown Township Zoning Ordinance of 1995, as amended, to comply with suggested provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act (1978-188), Section 60.3(b).** There was no public comment.

The second Ordinance proposed for consideration was also advertised in the Doylestown Intelligencer, and has been available for public inspection at the municipal building, the Bucks County Law Library, and the Doylestown Intelligencer office. Solicitor Grabowski advised that the proposed Ordinance would establish a real estate registry, providing for the registration of every deed of real estate transfer in Hilltown Township before its recording with the Recorder of Deeds of Bucks County, establishing regulations and providing penalties for violations.

Supervisor's Comments:

1. Supervisor Egly understands that the Recorder of Deed's office is establishing a new system that will be going into effect June 1, 2004. If that is the case, Supervisor Egly sees no point in the Township staff doing double work. Mrs. Alice Kachline, Hilltown Township Tax Collector, commented that it will not be double work for the

Township staff, since the only thing required would be to stamp the document, make a copy of the deed, and collect a nominal fee. Mrs. Kachline noted that the Recorder of Deeds office is presently 4 to 6 months behind in providing deed recordings to the Township, which not only affects the Tax Collector's office, but the Police Department, the Authority, and the Township administration office. A lengthy discussion took place.

2. Supervisor Manfredi had a conversation with Mr. Ed Gutenknecht of the Recorder of Deeds office this morning regarding the turnaround of this information being 4 to 6 months behind. Mr. Gutenknecht indicated that he forwards copies of the deeds that have been recorded to Tax Collectors within three weeks, and that the Recorder of Deeds office is not 4-6 months behind in the actual recording of deeds. Mr. Gutenknecht admitted that his office is somewhat behind with the data entry into their computer system, which is why he provides the Tax Collectors with copies of recorded deeds within three weeks of their recordation. If the heart of this proposed Ordinance is to register a deed so that it is available to the various Township offices in a more timely manner, it appears to Supervisor Manfredi that this Ordinance is not necessary. Further, Mr. Gutenknecht indicated that the County's new imaging and indexing system is expected to be operational in June or July of this year.

Mrs. Kachline received the most recent batch of deed recordings from the County, which was to have been current as of March 5, 2004, and noted that one of the enclosed 25 deeds was dated March 1, 2004, one was dated July, 2003, and the remaining deeds were dated February. With regard to this new imaging and indexing system to be incorporated by the Recorder of Deeds office, Mrs. Kachline recalls that it has supposedly been scheduled for installation for years. A lengthy discussion took place. If the new imaging and indexing system is supposed to come on line in the very near future, Supervisor Manfredi does not support adding more work to the Township staff, no matter how nominal, nor does he believe the Township should be making any money from this proposal. Therefore, Supervisor Manfredi is not inclined to act upon this Ordinance this evening. Chairperson Bennington believes Mrs. Kachline's point is that it would be in the best interest of the new property owner to have their deed registered as quickly as possible so that their property is not liened. There is still sufficient question in Supervisor Manfredi's mind that adopting this Ordinance would be a duplication of service, particularly once the new imaging and indexing system at the County goes into effect. Mrs. Kachline presented correspondence from Mr. Gutenknecht dated September 12, 2003, recommending that the Township adopt a Deed Registration Ordinance. A lengthy discussion took place. Supervisor Manfredi suggested tabling this proposed Ordinance until additional information is received.

Supervisor Manfredi stated that the recording of deeds is a service provided for and paid for by everyone. If Bucks County is going to have an imaging and indexing system in place that will make the information on the deed immediately available to everyone,

Supervisor Manfredi wondered why the Township would want to place another requirement on the people buying homes. Mrs. Kachline noted that it is not the person purchasing a home but rather it is the title companies who would be required to file the deed at the municipality. Supervisor Manfredi has an open mind about a Deed Registration Ordinance, however he would like his questions and concerns answered, in writing from the Recorder of Deeds office, prior to a vote.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to table the proposed Real Estate Registry Ordinance, pending receipt of additional information.

Public Comment:

1. If this proposed Ordinance is truly for the benefit of the homebuyer, Mrs. Marilyn Teed of Mill Road wondered why the fines and penalties for violation of the Ordinance are so harsh. Mrs. Teed does not believe the Township should brow beat and threaten residents. Supervisor Manfredi reminded Mrs. Teed, as Mrs. Kachline pointed out, this procedure would be accomplished by the title companies, not by the homebuyer, and commented that the language in the proposed Ordinance itself with regard to fines and penalties is standard language for any Ordinance.

With respect to the proposed Ordinance language, Supervisor Manfredi suggested that Section #6, should state "The Hilltown Township Manager is authorized to recommend the establishment of Rules and Regulations, which would be established by Resolution of the Board of Supervisors." Supervisor Manfredi believes that the Board of Supervisors should establish the rules and regulations, not the Township Manager.

2. Mr. Jack McIlhinney of Broad Street also spoke with Mr. Gutenknecht of the Recorder of Deeds Office, who indicated that new deed information is being sent to Tax Collectors within two to three weeks of recording, which they have been doing for over a year. Further, Mr. Gutenknecht advised Mr. McIlhinney that new deed filings would be mailed tomorrow to the Tax Collectors. Mr. Gutenknecht believes that the reason they fell behind with providing new deed recordings to municipalities was due to the tremendous amount of refinancing that has taken place within the last year. Further, the Recorder of Deeds office staff indicated that in June of 2004, instantaneous deed recording would be available. Mr. McIlhinney is also opposed to a fee for deed recordation at the Township, noting that the entire process seems like a great deal of work for practically no benefit whatsoever. With regard to homebuyers having their tax bills adjusted at a future date, Mr. McIlhinney advised that is accomplished at settlement.

Mrs. Kachline explained that the reason for the increase is not due to refinancing, rather it is the recording of a deed, the transfer of a property from one person to another, and it has

nothing to do with taxes being paid, which she agreed is handled at settlement. Mrs. Kachline believes Mr. McIlhinney may have misunderstood what he was told or he was speaking to someone at the Recorder of Deeds office who was misinformed. Mr. McIlhinney commented that when a property is being refinanced, the deed is recorded at the Recorder of Deeds office.

Original motion passed. This proposed Ordinance was tabled pending receipt of additional information.

**\*Chairperson Bennington adjourned the Public Hearing and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors at 8:36PM.**

2. Mr. Andy Schlosser – Aichele Tract Land Development – Waiver Requests – Mr. Schlosser, along with Eric and Michelle Thrush, the applicants, were in attendance to present a subdivision plan for a 10-acre lot currently owned by Bill and Karen Aichele and located on Rickert Road and Rt. 152. The 10.069-acre parcel located in the Rural Residential Zoning District is proposed to be subdivided into two single family detached dwelling (Use B1) lots. Lot #1 (6.069-acres) contains an existing dwelling, garage, riding area, pool, shed, and driveway access on Rickert Road. Lot #2, containing 4.00 acres, is proposed for development of a single family detached dwelling, shed, and driveway access on Rickert Road. In addition to existing improvements within Lot #1, the site contains areas of steep slopes and a contiguous area of woodlands encompassing the entire area of Lot #2. Dwellings will be served by individual on-lot wells and sewage disposal facilities.

Mr. Schlosser referred to Mr. Wynn's engineering review dated February 17, 2004 with respect to two of the four requested waivers. The engineering review elaborates on a possible alternative to complying strictly with the Ordinance, in that the applicant would be responsible for some of the stormsewer work, with a waiver requested for the remaining work. The Planning Commission was agreeable to this request, however they provided a provision that the applicant escrow funds for the remaining public improvements that would be required by Ordinance, including sidewalks, curbing, etc. The applicant is requesting a waiver of the escrow, noting that they would complete the work recommended by the Township Engineer's office. The Planning Commission did discuss the waiver request, and a 4:2 vote was taken, recommending that the applicant complete a limited amount of work outlined in the February 17, 2004 engineering review regarding swale, shoulder, and storm drainage extension work. It is Mr. Fulmer's understanding that the Planning Commission recommended that the Township accept a fee-in-lieu of sidewalk installation that would normally be required by Ordinance along any subdivision/land development frontage. That cost would be set by the Board of Supervisors. Mr. Fulmer asked if the applicant is objecting to the fee-in-lieu of or the



escrow that would be required to guarantee the improvements that would be ultimately installed. Mr. Schlosser understood the Planning Commission's recommendation to be that the applicant would provide an escrow for the remaining improvements that would not be installed. Mr. Fulmer noted that the Planning Commission recommended a fee-in-lieu of sidewalk only. Further, he advised that any applicant has the ability, under the Municipalities Planning Code, to complete improvements as required by the plan prior to plan recordation, without the requirement of an escrow. In the event the applicant records the plan prior to completion of improvements, an escrow must be established to guarantee completion of those improvements. A lengthy discussion took place.

If this waiver was granted by the Supervisors, Chairperson Bennington asked if the plan would go back before the Planning Commission as a final plan. Mr. Fulmer advised that this is a preliminary/final application since it is a minor subdivision, however the plan would still go back to the Planning Commission for further discussion on the actual approval of the plan.

Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to authorize waiver of Sections 506.4A, 512.1, and 513.1, as well as a partial waiver of Section 505.16 for the proposed Aichele Subdivision, based upon the recommendation of the Planning Commission and as noted in Mr. Wynn's engineering review dated February 17, 2004; and to waive the requirement for fee-in-lieu of sidewalks related to this subdivision; along with the completion of partial improvements as agreed to by the applicant. There was no public comment.

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

1. Solicitor Grabowski presented the Open Space Deed of Dedication Resolution for the Heritage Executive Campus for the Board's consideration.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-11, accepting the Open Space Deed of Dedication for the Heritage Executive Campus.** There was no public comment.

2. Solicitor Grabowski presented the Sewage (Greenhouse) Maintenance Agreement for Lot #5 of the Equestrian Court Subdivision for the Board's consideration. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to accept the Sewage Maintenance Agreement for Lot #5 of the Equestrian Court Subdivision, as specified. There was no public comment.



3. Solicitor Grabowski announced that no future H & K Quarry hearings have been scheduled at this time.

4. Since last month's meeting, decisions have been received from Bucks County Court with respect to two lawsuits that have been filed against the Township. The first is in the matter of the adopted Stormwater Management Ordinance, which provided for updated requirements in the Stormwater Management Plan. The estate of Anna Catherine Miketta filed a lawsuit against the Township, requesting that the Ordinance be declared invalid. The matter appeared before the Court, and on February 27, 2004, the Judge issued an order by which he dismissed the lawsuit. There is a written opinion available for public review.

The second lawsuit is that of Jackson and Marilyn Teed versus Hilltown Township. This lawsuit involved the request for records of the Township, and whether or not the Township had the right to redact (block out) certain confidential information contained within those legal invoices. The Judge in this case reviewed the documents and agreed that the Township has the ability to redact invoices or any information that is privileged and confidential. There was a demand that the Township pay the legal fees and the cost of the redaction, which was also dismissed by Order of March 2, 2004.

E. PLANNING -- Mr. Tim Fulmer, Township Engineer's Office --

1. Green Meadows Community Building (Land Development Waiver) -- Mr. Richard Kapusta, representing Green Meadows, was in attendance to present the plan. The Green Meadows Community Services Association requested a waiver of land development for a proposed 2,610 sq. ft. community building to be constructed on the recreation land within the Green Meadows Subdivision. The Planning Commission unanimously recommended approval of the waiver request subject to compliance with items contained within the March 8, 2004 engineering review, including submission of a plot plan, approval of erosion/sedimentation control measures, compliance with stormwater management regulations, and installation of landscape plantings to provide additional buffer in the rear of Lots #51 and #52 within the Telford Homes Subdivision.

Supervisor Egly asked what type of activities would be held in this building. Mr. Kapusta explained that the Homeowner's Association would be using the building for their meetings, and for church service activities on Sundays. Further, the Homeowner's Association will be planning group community activities to be held in this new building. There is also a small police substation office with a restroom proposed.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize waiver of land development for the Green Meadows Community Services Association, subject to compliance with stormwater management

regulations, and installation of landscape plantings to provide additional buffer in the rear of Lots #51 and #52 within the Telford Homes Subdivision, as contained within the engineering review dated March 8, 2004. There was no public comment.

2. Malin Subdivision (Preliminary) – Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan. This four-lot subdivision with frontage on South Perkasio Road and Callowhill Road was unanimously recommended for preliminary approval by the Planning Commission subject to completion of outstanding items as contained within the March 1, 2004 engineering review. The design engineer indicated that the final plan will include relocation of the proposed dwelling on Lot #4 as discussed in Item #13.H of the review letter, approximately 30 to 40 ft. west to provide additional area for grading between the proposed dwelling and adjoining property (lands of Michael C. and Deborah Purdie). The plan also proposes a conservation easement to be dedicated to the Township along South Perkasio Road. The area of the conservation easement adjoins other lands of the Township located at the corner of South Perkasio Road and Callowhill Road.

The applicant has requested the following waivers:

- Section 403.4, which requires existing features within 100 ft. of the site to be shown. The request notes that all features within 100 ft. of the site, which have any affect on the development of the lots have been included.
- Section 504.2.D, which requires lot lines intersecting street lines to be substantially at a right angle or radial to the street line, from the street line to the rear of the lot. The request notes that proposed lot lines are perpendicular to the rear line and substantially parallel to the side lines. Mr. Wynn's review notes that available lot frontage and area of each parcel being created will not facilitate further subdivision based on current Zoning Ordinance requirements.
- Sections 505.16, 506.2.B, 512, and 513, which require drainage improvements, cartway widening, cartway reconstruction/overlay, curb, and sidewalk to be installed along existing roadways within the frontage of the site. At their meeting of December 15, 2003, the Planning Commission approved a motion recommending approval of the applicant's request for waiver of street improvements, conditional upon the Township receiving a fee in-lieu-of required improvements as determined by the Board of Supervisors, to be deposited in the Township's Capital Roadway Fund.
- Section 526, which requires streetlights along public streets. The

request notes that no street lighting exists in the immediate area of the subdivision.

- Section 504.2.K, which requires that residential lot depth shall not be less than one nor more than three times the lot width. The request notes that due to the existing width of the lot along Callowhill Road, and the need to maintain required area, Lot #1 exceeds the requirement. (Mr. Wynn calculated that the lot depth to width ratio for Lot #1 is approximately 5.6:1) Noting that additional lot area is required to maintain water supply service via private well, and to maintain Lot #1 as a conforming lot with respect to impervious surface ratio requirements of the Zoning Ordinance, Mr. Wynn's review recommends approval.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street requested clarification of where the common driveway for the three lots is located. Ms. Strothers explained that the common driveway for Lots #2, #3, and #4 is through the cemetery property of Perkasio Mennonite Church. At the entranceway, the common driveway will be 18 ft. wide, and will narrow down to 12 ft. wide to service the three lots. The easement itself is 30 ft. wide for the length of approximately 500 ft. to the first lot.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant preliminary plan approval to the Malin Subdivision, subject to completion of outstanding items as contained within the March 1, 2004 engineering review; and to grant the waivers as noted above. There was no public comment.

3. Smith Tract Subdivision (Preliminary) – Mr. David Shalkowitz, the applicant's legal counsel, was in attendance to present the plan. This 24-lot subdivision with a proposed loop street with access to Rickert Road was unanimously recommended for preliminary approval by the Planning Commission subject to the following:

- Resolution of future right-of-way/road access to the adjoining Mark Antunes property.
- The applicant's investigation of a potential emergency access to the private roadway Shirley Lane. The Planning Commission desires construction of an emergency access to Shirley Lane provided the Shirley Lane residents permit it.

- Submission and approval of Planning Modules by the Township, Bucks County Department of Health, and PADEP.
- Installation of berms along property boundaries with available excess material. Location and extent of berms to be resolved during the final plan stage.
- Completion of outstanding items as contained within the March 5, 2004 engineering review.

In addition, the Planning Commission recommended waiver of roadway profile as discussed in Item #3 of the engineering review, and waiver of sidewalk in the rear of Lots #19 through #22 along proposed Road A.

Discussion took place concerning the stormwater runoff from the site, as noted by Mr. and Mrs. Nemec via correspondence to the Board of Supervisors. Mr. Fulmer advised that there are several culverts beneath Rickert Road, some of which will be replaced with new culverts. The applicant will then be improving the hydraulic conveyance of stormwater runoff on the roadway. In addition, the stormwater management basins designed for the property are designed for a substantial reduction of the rate of runoff flowing from those basins. The smaller pipe sizes leaving the basins will restrict the flow to Rickert Road and some of those culverts, over and above what occurs at the present time. After reviewing the applicant's plan, Mr. Wynn's office concurs with that peak rate reduction. Mr. Shafkowitz also understands that there is a culvert located on Rickert Road that will actually be abandoned based on the way that the water flow will be post development. Mr. Fulmer agreed, and noted that there are certain culverts along Rickert Road that do not function properly at present, with water actually bypassing them to flow to another culvert, thereby causing water to flow across the roadway at the present time. Supervisor Egly commented that some of the runoff mentioned in Mr. Nemec's letter originates from Callowhill Road.

Chairperson Bennington advised that additional correspondence was received from Mr. Michael Scott, raising concerns about the drainage ditch on Shirley Lane. Mr. Shafkowitz stated that the issue has been discussed at the Planning Commission meeting. Mr. Scott's concern appears to be whether or not the proposed development would impact that drainage ditch if an emergency access to Shirley Lane is proposed. Mr. Shafkowitz noted that the applicant does not propose any impact on that particular drainage ditch, and it will actually be conveyed to Mr. Scott as part of the emergency access easement that will be conveyed to the property owners of Shirley Lane. Mr. Scott's correspondence also expressed concerns about the self-contained package treatment plant. Mr. Scott understands that treated water will be released into

neighboring creeks, which in his opinion currently causes flooding problems. He believes that water released from the treatment of sewage may damage the quality of water found in and around the creeks, and wondered who would guarantee that the system would be properly maintained in the coming years. Mr. Fulmer recalls that there was discussion at the Planning Commission meeting about the proposed treatment facility, where it was determined that there would be an Operations and Maintenance Agreement established to oversee the system in the future. Further, the Hilltown Township Water and Sewer Authority intends to accept dedication of that sewage treatment facility. Chairperson Bennington suggested that correspondence be forwarded to the Nemeč's and the Scott's advising that their concerns would be addressed as part of the preliminary and final plan approval for the Smith Tract Subdivision.

Public Comment:

1. Mrs. Nancy Boice of Mill Road asked if fees will be charged to the new homeowners for the package treatment plant. Mr. Shafkowitz advised that the homeowner's will be charged as if public sewer was serving their dwellings.

Mrs. Boice asked if there was an easement for the walking trail proposed through the Smith Tract Subdivision, as shown on the trail linkage map. Chairperson Bennington commented that mention would be made of the walking trail easement during the approval process.

2. Mr. Bill Godek of 206 Broad Street questioned the location of the proposed sidewalk on the inside of the p-loop street. Mr. Shafkowitz pointed out the proposed location of the sidewalk. Mr. Godek asked what speed limit would be assigned to the interior street. Supervisor Egly replied that the speed limit would be 25 m.p.h. and a "Pedestrian Crossing" sign would be installed where the sidewalk moves from the interior to the exterior of the P-Loop.

Motion was made by Supervisor Egly, to grant conditional preliminary plan approval to the Smith Tract Subdivision, pending completion of all outstanding items as noted above, and in Mr. Wynn's engineering review. Supervisor Manfredi amended Supervisor Egly's motion with the proviso that a confirmation of water service from the Hilltown Township Water and Sewer Authority be received. Mr. Shafkowitz understands that the Hilltown Township Water and Sewer Authority was instructed not to provide a confirmation letter until preliminary plan approval has been received. Discussion took place. Mr. Fulmer advised that Mr. Wynn's review letter addresses the issue of the Authority's confirmation to serve letter, along with further review by the Water and Sewer Authority and the servicing fire company of the system's design. The amended motion carried unanimously. There was no further public comment.

4. Highview Road Subdivision (Preliminary/Final) – Mr. Scott Mease, the applicant's engineer, was in attendance to present the plan. The minor subdivision located on Highview Road was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to completion of outstanding items as contained within the February 19, 2004 engineering review and approval of waivers requested by the applicant as noted within Item #3 of the engineering review with the dedication of a bike path easement for future potential bike path construction, swale and drainage improvements along the frontage of Lot #1 and a provision that the developer be responsible for repair and overlay of Highview Road along the frontage of the tract in the event the roadway is damaged during construction activity.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to grant conditional preliminary/final plan approval to the Highview Road Subdivision subject to completion of outstanding items as contained within Mr. Wynn's February 19, 2004 engineering review, and approval of waivers requested by the applicant as noted within Item #3 of said review with the dedication of a bike path easement for future potential path construction, swale, and drainage improvements along the frontage of Lot #1 and a provision that the developer be responsible for the repair and overlay of Highview Road along the frontage of the tract in the event the roadway is damaged during construction activity. There was no public comment.

5. Johnson (Rev. Drainage Improvements) – This plan received final plan approval by the Supervisors at their meeting held on November 24, 2003. Mr. Johnson has been unsuccessful with negotiating an easement area from the adjoining property owner, and proposes to modify frontage improvements so that the improvements may be completed entirely within the site frontage and street right-of-way. This is before the Board of Supervisors since it is a revision to the previously approved final Johnson Subdivision plan, which has not yet been recorded.

Mr. Bob Johnson of 120 Schultz Road advised that last fall, the adjoining property owner requested that the stormsewer be installed all the way down to the stream, a distance of 580 ft., to which Mr. Johnson reluctantly agreed. However, since that time, the adjoining property owner again changed his mind, now refusing to sign the easement agreement.

The Board discussed the plan showing the proposed alternative for revision. This plan would shorten the stormsewer installation to essentially terminate within the frontage of the Johnson property. There were certain design issues compromised with the design engineer and Mr. Wynn's office to insure it would work properly and that it would not impact the road widening, curbing and sidewalk to be provided by Mr. Johnson as part of the subdivision. Since the applicant is not able to obtain the easement, Mr. Fulmer advised this would be an acceptable alternative to the proposal. Chairperson Bennington asked if there would be any change in impact by approving the revised plan. Mr. Fulmer

advised that there would not, noting that it would be better for the adjoining property to have the stormwater discharge from the pipe beyond their driveway, however Mr. Johnson is not obligated to make any improvements for that adjoining property driveway pipe. Mr. Johnson actually believes there would be less water flowing down the present stormsewer, since it will flow to the retention pond on his property. Mr. Fulmer explained that the initial plan did propose to stop improvements at the Johnson property line. Chairperson Bennington is concerned that if the revision is approved, the adjoining property owner will complain about the additional stormwater flow on his property. While he agreed that extending the stormsewer beyond the adjoining property's driveway would be a better solution, Mr. Fulmer reminded the Board that the requirements of the Ordinance would stop the improvements at the end of Mr. Johnson's property frontage. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the revised final Johnson Subdivision Plan, to incorporate the change as noted above. There was no public comment.

F. ENGINEERING – None.

G. MANAGER'S REPORT –

1. The Supervisors have reviewed a copy of a Buckingham Ordinance requiring developers of major subdivisions to also submit documents on CD as PDF files. Mr. Lippincott is seeking Board authorization to forward a similar draft Ordinance to the Township Solicitor for review. Supervisor Manfredi requested a cost benefit analysis prior to forwarding a draft Ordinance to the Township Solicitor. Supervisor Egly and Chairperson Bennington agreed.

2. The Township staff will be meeting with McGrath Homes to review a sketch plan for the development of an active adult community. The applicant has paid the required \$500.00 escrow.

3. The Supervisors, at their annual Reorganization meeting, usually pass a Resolution to dispose of records as set forth in the "Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982." However, this year, a Resolution was not passed, since the Township was involved in a lawsuit over public records at the time. The lawsuit has since been dismissed, and the proposed Resolution is available for adoption at this time. Discussion took place.

Public Comment:



1. Mrs. Marilyn Teed of Mill Road advised the lawsuit referred to has been dismissed, however it is not over. Therefore, she recommended that the legal invoices in question be retained until the court case is over. Solicitor Grabowski commented that the lawsuit was dismissed, and those documents that had been requested have been dealt with. Mrs. Teed reminded Solicitor Grabowski that she has the option to amend the complaint and to go to the Commonwealth court with the case, if she so desires. Solicitor Grabowski advised the Board that there is nothing preventing them from adopting the Resolution this evening. A lengthy discussion took place.

Supervisor Manfredi suggested that the Resolution be amended to exclude the destruction of all financial records for the year 1996, excluding quarterly payroll records, all pension records, and all legal invoices for the year 1996.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-12, Disposition of Records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982, as amended on December 1, 1982 (including Section 13.25 and Section 13.26) to dispose of the following records: all financial records for the year 1996, excluding quarterly payroll records, all pension records, and all legal invoices for the year 1996.** There was no public comment.

H. CORRESPONDENCE:

1. Correspondence has been received from Mark Roth of McMahon Associates, stating that the Delaware Valley Regional Planning Commission, along with Regional Improvement Consortium, has initiated the PA 133 Heritage Corridor Transportation/Land Use Study. They are looking for each municipality to assign one member of the Planning Commission and one member of the Board of Supervisors to serve on the project's advisory group. It was determined that either Supervisor Egly or Supervisor Manfredi will attend the meeting as the Supervisor representative for Hilltown Township.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mr. Bill Godek of 206 Broad Street asked if the flashing school light on Broad Street near Our Lady of Sacred Heart School was recently replaced. Supervisor Egly replied that the light was damaged in a vehicle accident and was recently replaced. Mr. Godek asked if a record of repairs to that signal are available for review. Mrs. Leslie replied that they are. Mr. Godek noted that the flashing school light is not operating at all at the present time. Discussion took place.

2. Mrs. Alice Kachline of Mill Road wished to confirm the date of the installation of the imaging and indexing system by the Recorder of Deed's office that Supervisor Manfredi referred to earlier as a result of his conversation with Mr. Gutenknecht. Supervisor Manfredi believes Mr. Gutenknecht stated he would like the system to be installed on June 1st of this year, or shortly thereafter. Mrs. Kachline advised that discussion of this new imaging and indexing system originally started approximately 2 years ago, however there was never any firm installation date specified. If the new system is not installed in a timely manner, Mrs. Kachline asked if the Board would once again consider adopting the Deed Registration Ordinance. Supervisor Manfredi stated that he would be willing to consider adopting the proposed Ordinance once additional information, in writing, has been received from the Recorder of Deeds office, as discussed earlier.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Egly welcomed Police Chief Chris Engelhart back from the most prestigious law enforcement school in the world, and hopes his knowledge will be put to good use in the Township.

2. Chairperson Bennington advised that a joint meeting with the Hilltown Planning Commission and Board of Supervisors has been scheduled for Wednesday, April 7, 2004 at 7:00PM here at the municipal building.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the advertisement of the joint meeting of the Board of Supervisors and the Planning Commission on Wednesday, April 7, 2004 at 7:00PM. There was no public comment.

3. Supervisor Manfredi proposed that the Township hold a two-day Land Use Summit where all Boards, Committees, various stakeholders, various interest groups (such as the Natural Lands Trust, the Nature Conservancy), and individuals with applications before the Township, would meet to discuss various issues with respect to land use. In order for Hilltown Township to move forward, Supervisor Manfredi believes that this Summit would provide the opportunity to discuss all of the alternatives available from every aspect of land use. Supervisor Manfredi will prepare the necessary information. He believes that two such meetings should be held, perhaps with the first scheduled in early May and the second shortly thereafter. Discussion took place.

4. Several months ago, the Board of Supervisors discussed the possibility of a representative of the Bucks County Planning Commission attending the Township Planning Commission meetings to provide planning expertise to the Commission

members. Supervisor Manfredi feels this would provide a greater link between what is happening in Hilltown Township and in Bucks County itself. Discussion took place.

Motion was made by Supervisor Manfredi to authorize a representative of the Bucks County Planning Commission to begin attending the Hilltown Planning Commission worksession meetings, based upon fees in an existing contract with the Bucks County Planning Commission, if there is one, or in the alternative, that the wage scale of the contract for the Zoning Ordinance review be applied so that the process can begin as soon as possible. Discussion took place as to whether the planner should attend the worksession or the regular meeting of the Hilltown Planning Commission. Supervisor Manfredi felt that decision should be left up to the Hilltown Planning Commission. Chairperson Bennington advised that Ms. Lynn Bush of the Bucks County Planning Commission had previously attended a Hilltown Planning Commission meeting to evaluate who on her staff would be attending those meetings.

Supervisor Egly seconded the motion, and it carried unanimously. There was no public comment.

5. Chairperson Bennington asked if Supervisor Manfredi or Mr. Beatrice of the Planning Commission had attended the Central Bucks Land Use Transportation Regional Committee meeting on March 18, 2004. Supervisor Manfredi and Mr. Beatrice did not attend due to previous engagements, however Mr. Lippincott had forwarded the information as necessary.

6. Chairperson Bennington commented that he and the other Supervisors are very proud of Chief Engelhart for what he accomplished at the FBI Academy. He stated that Chief Engelhart is one of a long line of great police chiefs in this Township that he has been associated with, including George Egly and Kerry Trauger. Further, Chairperson Bennington thanked Det. Sgt. Randy Tanghe for his role as Officer-in-Charge for those three months that Chief Engelhart was out.

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

M. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the March 22, 2004 Hilltown Township Board of Supervisors Meeting was adjourned at 10:38PM.

Respectfully submitted,

Lynda Seimes

Township Secretary



(\*These minutes were transcribed from tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).