

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, March 8, 2004  
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:34PM and opened with the Pledge of Allegiance.

Also present: George C. Egly, Jr., Vice-Chairperson  
Richard J. Manfredi, Supervisor  
Gregory J. Lippincott, Township Manager  
Randall Tanghe, Acting Police Chief  
Thomas A. Buzby, Director of Public Works  
David W. Taylor, Code Enforcement Officer  
Lorraine E. Leslie, Township Treasurer

Chairperson Bennington announced the Board met in Executive Session following the February 23, 2004 Supervisor's meeting in order to discuss personnel. All three Supervisors also met in Executive Session on March 4, 2004 to discuss real estate; and then following that Executive Session, Chairperson Bennington and Supervisor Egly met to discuss legal matters pertaining to H & K Quarry. Prior to this meeting, the Board met in Executive Session to discuss personnel matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the February 9, 2004 Worksession Meeting – Supervisor Manfredi noted the following corrections to page 4, third paragraph under “Manager’s Report,” which should state:

- “The Board of Supervisors discussed the procedural aspects associated with plans being submitted to the Township and Mr. Manfredi did not agree with the current procedure and believes that the **Subdivision/Land Development Ordinance** is available to the applicant and the staff should not need to meet with them.”
- “He said that he believes that a pre-submission conference **regarding the Zoning Ordinance** should be sufficient.”

Chairperson Bennington noted the following correction to page 6, third paragraph under “Supervisor’s Comments,” which should state:

- “Mr. Bennington explained that on February 10, 2004 an open space **forum** will be held at 7:00PM in the Township Building.”

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the February 9, 2004 worksession meeting, as corrected. There was no public comment.

Action on the minutes of the February 23, 2004 Supervisors Meeting – Chairperson Bennington noted the following corrections:

- Page 11, sixth paragraph, which should read: “Mark **Funk**, Broad Street, asked if anyone can propose a zoning ordinance to the Township.”
- Page 12, second paragraph, which should read: “The Zoning Hearing Board recommended an individual **who the Board of Supervisors could not come to an agreement on.**”

Public Comment:

1. Mr. Bill Godek of Broad Street noted the following correction to page 7, eleventh paragraph, which should state “Mr. Grabowski said a Haines and Kibblehouse Quarry Meeting was held on February **18**, 2004.”

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the February 23, 2004 Supervisor's Meeting, as corrected. There was no further public comment.

C. TREASURER'S REPORT – Chairperson Bennington presented the Treasurer's Report with the following balances as of February 28, 2004:

General Fund Checking	\$ 8,731.50
Payroll Checking	\$ 357.28
General Reserve Fund	\$ 4,626.15
Open Space Fund	\$ 30,486.48
Fire Fund Checking	\$ 8,618.07
Debt Service Checking	\$124,692.79
State Highway Aid Checking	\$ 16,369.13
Escrow Fund Checking	\$893,245.76
Capital Projects Fund	\$ 76,592.83

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Treasurer's Report as of February 28, 2004, subject to audit. There was no public comment.

D. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated March 9, 2004, with General Fund payments in the amount of \$68,840.44 and State Highway Aid Fund payments in the amount of \$13,430.75; with a total of all fund payments in the amount of \$82,271.19.

Supervisor Manfredi clarified the fact that all payments being made to H & K Materials, Blooming Glen Quarry, and Naceville Materials for road materials were all purchased under contracts awarded by the former Board of Supervisors in 2003. Therefore, this evening's payments as listed on the Bills List are in compliance with previously authorized contracts.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated March 9, 2004, as written. There was no public comment.

E. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the month of February, 2004; a copy of which is on file at the Township office.

F. POLICE REPORT – Acting Chief Randall Tanghe – Det. Sgt. Tanghe announced that Chief Engelhart would be back on duty on March 22, 2004. He presented the Police Report for the month of February, 2004; a copy of which is on file at the Township office.

G. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor presented the Building Report for the month of February, 2004; a copy of which is on file at the Township office.

H. HILLTOWN AUTHORITY REPORT – No one was present.

I. HILLTOWN FIRE COMPANY REPORT – Mr. Jim Walters – Mr. Walters presented the Hilltown Fire Company Report for the month of February, 2004; a copy of which is on file at the Township office.

J. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie, Fire Chief – Mr. Gillespie presented the Silverdale Fire Company Report for the month of February, 2004; a copy of which is on file at the Township office.

K. PLANNING COMMISSION REPORT – Mr. Michael Beatrice, Vice-Chairperson – Mr. Beatrice presented the Planning Commission Report for their March worksession meeting; a copy of which is on file at the Township office.

Discussion took place concerning the Planning Commission's request to schedule a joint meeting with the Board of Supervisors. An additional very lengthy discussion took place regarding the proposed Ordinance revisions as prepared by Mr. Wynn.

Public Comment:

1. Mr. Jack McIlhinney of the Hilltown Landowner's Association noted that he mentioned the 45-day time period for review of Ordinance revisions to the Planning Commission at their meeting. At that time, he also provided the Planning Commission with a rundown of what the Supervisors had stated at their previous meeting. With regard to the farmstead portion of the proposed Ordinance, Mr. McIlhinney advised that a concern was raised referring to the three-acre requirement. Further, Mr. McIlhinney believes the hnpervious Surface Ordinance amendment remains very similar to how Mr. Wynn proposed it approximately one year ago, and therefore is not something the Planning Commission hasn't had the opportunity to review in the past. Mr. McIlhinney resents the fact that now this Ordinance revision will be rushed through and there will not be time for the public's involvement. Supervisor Manfredi stated that the Township is not attempting to "rush" any Ordinance amendments through the process. He explained that there would certainly be opportunity for public comment on any Ordinance revision at both the Planning Commission meeting and at the Public Hearing before the Supervisors. Further, he stated that the Planning Commission, just like any other board, would consider public comment in their decision making process before the matter is voted upon. Under a deadline, Mr. McIlhinney is not convinced that would happen.

Mr. McIlhinney referred to the proposed Lighting Ordinance, which has never been reviewed by the Planning Commission at any meeting he has attended, and which is nothing more than a copy of another municipality's Ordinance that is Township-wide. Chairperson Bennington explained that complaints had been brought to the Board's attention from neighboring residents of the Car Sense and Peruzzi sites that precipitated the drafting of a proposed Lighting Ordinance, and was only to address the Commercial area of the Township. Discussion took place.

2. Mrs. Jackie Walker of Bypass Road questioned the proposed Farmstead Ordinance. Mr. Beatrice explained that the proposed Ordinance refers to a small farmstead that would result from subdividing the existing farm. Mrs. Walker commented that to avoid the demolition of barns or other farm outbuildings, the Township should provide for the resident to have a legal and feasible use for those buildings. She also suggested that the Township consider obtaining easements for horse trails, not just for walking trails.

3. Mrs. Marilyn Teed of Mill Road believes that the Barn Use Ordinance Mrs. Walker suggested is the Trade Ordinance, which is already in the proper Ordinance form

because the Planning Commission was doing their job by writing an Ordinance. If the Planning Commission requires advice while drafting an Ordinance, Mrs. Teed believes they should forward their questions or concerns to the engineer and/or solicitor, at the Supervisor's behest. Supervisor Manfredi commented that the Planning Commission is not supposed to draft Ordinances unless requested by the Board of Supervisors. Mrs. Teed agreed. She referred to and explained the requirements found within the proposed Nursery Use Ordinance, to which she is opposed. Mrs. Teed believes that more communication between the Planning Commission and the Board of Supervisors is needed.

L. PARK AND RECREATION REPORT – No one was present.

M. OPEN SPACE REPORT – No one was present.

N. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson – Mr. Snyder read the Zoning Hearing Board Report for the month of February, 2004; a copy of which is on file at the Township office.

Chairperson Bennington advised that the Board of Supervisors have discussed the vacancy on the Zoning Hearing Board, however they have not been able to come to a consensus on an appointment.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the re-advertisement of the vacancy on the Zoning Hearing Board. There was no public comment.

Mr. Snyder asked if the Zoning Hearing Board should once again interview the candidates. Mr. Lippincott also asked if any additional candidates for the Planning Commission vacancy should be re-interviewed by the Planning Commission. Supervisor Egly feels that the Zoning Hearing Board should receive copies of the applications for this advertised vacancy for consideration.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street asked if the previous applicants for both the vacancy on the Planning Commission and the vacancy on the Zoning Hearing Board would be required to re-apply for those positions. Mr. Lippincott explained that it is Township policy to retain all applications for vacancies on file for up to one year. Supervisor Manfredi suggested that the vacancies be re-advertised. It is his personal opinion that those individuals who had applied before and were still interested in the position should be required to reapply. He felt it was not a sound practice for the Township to keep any application open for a period of time. Chairperson Bennington

advised that the Township policy at present is to keep applications on file for up to a year, and until such a time as that policy changes at the direction of the Board of Supervisors, it would remain in place. Supervisor Egly agreed with Supervisor Manfredi. A lengthy discussion took place. It was determined that the applicants who had previously applied for the vacancies on both the Planning Commission and the Zoning Hearing Board would be considered without having to reapply, and that the policy concerning retaining applications for up to one year would be considered by the Supervisors in the future.

O. CONFIRMED APPOINTMENTS:

1. Mr. Peter Berthold, PennDot, Re: Rt. 152 Bridge by S. Perkasio Road – Mr. Lippincott announced that Mr. Berthold would be in attendance at the March 22, 2004 Supervisor's Meeting.

2. Mrs. Jackie Walker – Stone Ridge Farm Bed and Breakfast – Mrs. Walker had spoken to the Planning Commission and the Board of Supervisors in the past concerning the possible creation of a Barn Use Ordinance for Hilltown Township. She encouraged the Board to once again consider the creation of such an Ordinance. Recently, her neighbor demolished a barn on her property, which Mrs. Walker believes would not have happened had a Barn Use Ordinance been in place, specifying various options for use of that historic structure. Mrs. Walker would like to see the continued use of buildings such as barns that no longer are used for their original purpose. Supervisor Manfredi reminded Mrs. Walker that most barns are located in residential areas, and if the proposed activity to go on in a barn would be an accessory to a residential area, it would make sense. However, if a mechanical contractor, for instance, wished to place that type of use into an existing barn, it would not be appropriate for a residential area. Mrs. Walker agreed that there should be certain uses or activities prohibited for barns, but there are plenty of reasonable uses that would be appropriate. Discussion took place.

Mrs. Walker's neighbor, Sarah Alexander of 729 Duhlin Road, recently demolished a barn on her property because it was too cost prohibitive to repair. However, Ms. Alexander believes that if she had been motivated with another option available for using the barn, she would have considered saving the structure. Ms. Alexander would wholeheartedly support a Barn Use Ordinance being established in the Township.

Public Comment:

1. Mr. Mark Funk of Broad Street has an old barn on his property that he would like to be able to use for more than storing hay and tractors. He feels Mrs. Walker's suggestions are good ones and feels her proposal is an excellent idea.

2. Mr. Jack McIlhinney of Broad Street advised that a proposed Barn Use Ordinance was discussed many times over the past few years. Discussion was that it could take up to a quarter of a million dollars to restore and make a barn structure usable. The Barn Use Ordinance that was considered prohibited the applicant from expanding the structure during the renovation process in order to make the proposed use feasible, which Mr. McIlhinney feels is a detriment. Mrs. Walker feels that the Barn Use Ordinance should not be a vehicle for someone to expand a business. Rather, Mrs. Walker feels that the Barn Use Ordinance's main purpose should be to preserve barns and to provide for an alternate use for that structure. Discussion took place.

3. Mrs. Marilyn Teed of Mill Road stated that in January of 2002, she obtained a copy of a Barn Use Ordinance that was adopted in a municipality near West Chester. She has held this Ordinance for more than a year because she was afraid to provide it to the previous Planning Commission. She spoke to the Township Manager of the municipality that adopted this Ordinance to determine such particulars as how much acreage would be required for a business to be operated from an existing barn. The Manager told Mrs. Teed that many of these barns being used for various businesses, including convenience stores, day care centers, dry cleaners, etc. are located in the middle of developments on an acre or less of property.

4. Mr. Hans Sumpf of 9 Beverly Road commented that barns belong to the property owner, not the Township, and he does not understand why there is such controversy involved in saving barns. Further, many of the barns in Hilltown Township are no longer worth saving or restoring because it is not economically feasible. Mr. Sumpf does not see anything wrong with permitting certain uses in existing barns. Discussion took place.

5. Mr. Mark Funk of Broad Street disagreed that there is not enough incentive to restore an existing barn. For instance, if a property owner was permitted to rent out office space in a barn to a professional, the average office space in Bucks County is \$20.00 per square foot. He feels that would be a great deal of incentive to restore a barn.

Mrs. Walker noted that barns are great structures, a piece of American heritage that must be preserved. If the Planning Commission or the Board of Supervisors would like additional information or assistance with drafting such an Ordinance, Mrs. Walker suggested Mr. Jeff Marshall of the Bucks County Conservancy be contacted.

P. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager:

1. Mr. Lippincott asked the Board for a date to schedule Road Inspection. It was unanimously determined that Road Inspection would be held on Thursday, March 18, 2004 at 8:30AM and will be appropriately advertised as such.

2. Calvary Church requested a meeting with Township staff to talk about proposed phased construction at the Calvary Church complex. The applicant has paid the required \$500.00 escrow. Supervisor Egly commented that Board authorization is not required, since these sketch plan meetings with the Township staff are covered in the Ordinance. Supervisor Manfredi agreed.

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

1. Correspondence was received from Mr. and Mrs. David Burger, requesting that Upper Church Road between Hilltown Pike and Broad Street be posted to prohibit truck traffic. Mr. and Mrs. Burger cite the following reasons for their request:

- Heavy trucks and tractor-trailers use Upper Church Road to avoid Dublin Borough.
- The road is very narrow between Broad Street and Hilltown Pike, which does not allow enough room for large vehicles to pass safely.
- The bridge on Upper Church Road between Hilltown Pike and Broad Street is not designed to handle heavy vehicles.

Supervisor Manfredi suggested Mr. Heinrich, the Township's Traffic Engineer, and the Hilltown Police Department review this request. Supervisor Egly reminded the Board that if truck traffic is prohibited on Upper Church Road, those heavy trucks would then be forced to travel Township roads. The Board agreed to authorize review by Mr. Heinrich and the Police Department.

Public Comment:

1. Mrs. Judy Greenhalgh of 874 Blooming Glen Road wondered if more truck traffic is being experienced along Upper Church Road now due to the recent weight restriction on the Rt. 113 bridge between Minsi Trail and Blooming Glen Road. Discussion took place.

R. MYLARS FOR SIGNATURE: None.

S. PUBLIC COMMENT:

1. Mr. Hans Sumpf of 9 Beverly Road noticed that once again, no representatives were present this evening from the Park and Recreation Board and the Open Space Committee, and asked if those boards submit written reports to the Board of Supervisors. Chairperson Bennington advised that the Supervisors receive copies of Park and Recreation Board minutes after the fact, sometimes in bunches, though the Open Space Committee is not as regular about providing their meeting minutes. One of the



reasons Mr. Sumpf attends these Township meetings is to hear what the Park and Recreation Board is doing. He has other family commitments that prevent him from attending the regular Park and Recreation Board and Open Space Committee meetings. The Supervisors directed Mr. Lippincott to post the minutes of both these boards on the Township website.

Mr. Sumpf suggested that the minutes of the Board of Supervisors meetings be posted on the website in a more timely fashion. Chairperson Bennington explained that the Township Secretary has been out on medical leave for several months, and minutes are now being transcribed by a third party, which takes additional time for them to be completed and available for posting on the website.

2. Mrs. Marilyn Teed of Mill Road referred to an item in the packet of information prepared by the Township Engineer, which is called "Code Adoption Ordinance," and asked what exactly that entails. Mr. Lippincott advised that this Ordinance refers to the codification process currently underway in the Township. Codification provides for a complete update of all legislation, and to provide for the repeal of certain legislation, in order to combine all laws of the Township into one document. Mrs. Teed wondered when she would have an opportunity to comment about the adoption of this Ordinance. Supervisor Manfredi replied that a Public Hearing would be held for that purpose.

3. Mr. Bill Godek of Broad Street asked when the Public Hearing for the Codification Ordinance would be held. Mr. Lippincott replied that the Public Hearing would be held after the 45-day time period for review by the Hilltown Planning Commission and the Bucks County Planning Commission expires, at which time the Board of Supervisors will authorize the advertisement of such Public Hearing. Mr. Godek asked if there were changes or revisions to various Ordinances. Chairperson Bennington replied that there are several revisions involved.

Mr. Godek asked if the inspection of the H & K Quarry Mr. Taylor spoke about during the Building Report segment of the agenda was open to the public. Mr. Lippincott noted that the Township was attending, along with any others that may have been invited by representatives of H & K Quarry.

Since 1981, Mr. Godek asked how many times the Township has inspected any of the H & K Quarry sites, and who would have performed those inspections on behalf of the Township. The Board of Supervisors had no idea how many times H & K Quarry sites may have been inspected. Mr. Lippincott assumed that if any inspections were conducted, they would have been done by the Township Manager, the Building Inspector, or the Township Engineer. Since the Agreement with the quarry allows for a monthly inspection of sites, Mr. Godek asked why the quarry sites are not inspected. Mr.

Lippincott noted that the Township is beginning to inspect the quarry sites on a monthly basis at this time.

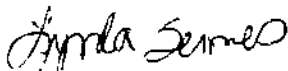
Mr. Godek has lived across from the Skunk Hollow Quarry for many years, and has noticed considerable damage to his home, including cracks in the ceiling and foundation, twisting of the joists, separation of joists, etc. Mr. Godek has been told by representatives of the H & K Quarry that vibrations caused by blasting at the Skunk Hollow Quarry do not affect buildings, however that is obviously not the case. In 2003, the insurance company who has provided homeowner's insurance for Mr. Godek's home since he moved in, advised that they will no longer cover subsidence. Most recently, blasting that took place on Ash Wednesday greatly affected his home. Mr. Godek asked what the Supervisors intend to do to protect the health, safety, and welfare of the residents of this Township. Chairperson Bennington asked if Mr. Godek has notified H & K of the recent blast damage he spoke of, and Mr. Godek replied that he did not. He is informing the Supervisors now, through this public forum, so that it is on record. Over the years, Mr. Godek has repeatedly made the Township aware of quarry blasting damage that has occurred to his home, and has been documenting and gathering evidence to support his claims, and he just wishes to make it publicly known.

T. SUPERVISOR'S COMMENTS: None.

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

V. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the March 8, 2004 Hilltown Township Board of Supervisors Worksession meeting was adjourned at 9:50PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

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