

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, June 23, 2003  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Betty P. Snyder at 7:32PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson  
John S. Bender, Supervisor  
Gregory J. Lippincott, Township Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Christopher Engelhart, Chief of Police  
Lynda S. Seimes, Township Secretary

Chairperson Snyder announced the Board met in Executive Session prior to this meeting in order to discuss legal matters regarding the quarry, as well as personnel, and real estate matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the June 9, 2003 Worksession Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 9, 2003 Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Snyder presented the Bills List dated June 24, 2003, with General Fund payments in the amount of \$211,998.73, and State Highway Aid Fund payments in the amount of \$65.32; for a grand total of all payments in the amount of \$212,064.05.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated June 24, 2003. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Jim Coyne – AdHoc Quarry Committee Request – In the latter part of 1995, the Board of Supervisors formed an AdHoc Quarry Committee comprised of residents, members of Township boards, consultants, and the Township Engineer and Solicitor. The purpose of this special committee was to address public concerns revolving around a potential request for a zoning change, which would enlarge quarrying

operations in Hilltown Township, and to recommend a course of action to be taken when, and if the request should materialize.

Mr. Coyne advised that this special committee held a series of three meetings, wherein they identified a list of concerns, primarily dealing with the diminished quality of life as it relates to an active quarry as a neighbor. Mr. Coyne read the Committee's recommendation, as noted in the February 7, 1996 AdHoc Quarry Committee Report memo, which states:

"IF AND WHEN Haines and Kibblehouse officially presents the Township with a private petition to change zoning for TMP #15-34-84 from Rural Residential to Quarry, the Committee unanimously recommends that the Board of Supervisors hire qualified experts to review all the reports and findings of the applicant's experts and report their results to the Board of Supervisors. The Committee also recommends that the Board of Supervisors negotiate with Haines and Kibblehouse for complete reimbursement to the Township for all costs incurred by the Township regarding Township-hired qualified experts."

In the transcripts of the May 22, 2003 quarry hearing, Mr. Coyne noted that Mr. Ross of H & K Quarry indicated that in the coming sessions, they would be presenting testimony by teams of professionals in the following fields - environmental consulting (Gannett and Flemming), hydrogeologists for groundwater impact studies, traffic experts, and blasting experts (Vibratech). This testimony would be to address the technical complexities of their proposals, proximity to homes, schools, and churches, potential for increased and prolonged traffic, and to adequately determine if the benefits of the proposed expansion substantially outweigh the potential harm to our community. With that in mind, Mr. Coyne respectfully urged the Board of Supervisors to adopt the recommendation of the AdHoc Committee, as outlined above.

Mr. Coyne recalls when there were Congressional hearings on the affects of cigarette smoking. The tobacco industry was able to produce qualified medical experts who were testified under oath that they could not prove that cigarette smoking was injurious to your health. This is why he feels it is extremely important for the Township to hire experts to weigh the information that has been presented on the proposed quarry expansion.

Chairperson Snyder commented that the Board has copies of the AdHoc Committee's reports and will take these suggestions under advisement.

2. Mr. Bill Benner - Proposed CVS Pharmacy - Mr. Benner, legal counsel representing Midlantic Real Estate Inc., was in attendance to discuss a proposal for construction of a CVS Pharmacy on a property located at the southwest corner of Rt. 113 and Rt. 313. On May 2, 2003, Mr. Benner directed correspondence to the Township

Manager requesting an opportunity on behalf of Midlantic Realty to meet with the Township professional staff concerning the property's development proposal. The Board of Supervisors granted this request by authorizing a meeting, which occurred on June 3, 2003 and was attended by Mr. Jerald Batoff, principal of Midlantic Real Estate, Solicitor Grabowski, Mr. Wynn, and Mr. Lippincott.

Along with Mr. Benner, Mr. Batoff of Midlantic Real Estate, and Mr. Pilla, regional director of real estate for CVS Realty Co. and Mrs. Churchman, who is one of the two property owners, were also in attendance.

Since the properties are located in the RR Zoning District, the applicant would have to file a re-zoning petition or file a variance application with the Zoning Hearing Board. Although the property is located in the RR District, Mr. Benner noted that the site itself is located at a commercial corner abutting two busy highways. Further, the properties in the immediate vicinity are either used or zoned commercially. CVS Pharmacy has evaluated the property and believes it is suitable for construction of a pharmacy store, and feel that it is needed in this area.

Mr. Benner noted that the presence of groundwater contamination in the area makes the site generally unsuitable for residential development. He advised that a pharmacy use is a less intense use than other commercial uses. More importantly, Mr. Benner stated that a commercial development at this intersection would allow for needed roadway improvements in a way that a residential development could not address. Since Hilltown Township is a growing community, Mr. Benner feels that the presence of a national drug store chain will meet the needs of this residential growth.

Mr. Benner feels it would be logical and appropriate to extend the PC-2 Zoning District across the street to the far corner. If that were to occur, Mr. Benner asked that the Planning Commission and the Board of Supervisors keep an open mind to perhaps adjusting the definition of a Retail Store (E-1 Use), which has a 10,000 sq. ft. limitation. He noted that since the trend in retailing has changed over the years, national chains such as CVS and their competitors, are constructing buildings that are larger than 10,000 sq. ft. Chairperson Snyder explained that part of the rationale for the requirement of a maximum of 10,000 sq. ft. for retail space in that area is that the Township did not wish to promote "big box" retail in the area closest to Dublin Borough. The Township feels that smaller commercial stores and establishments would be more in line with the kind of retail operations existing in a village area. Personally, she does not see a good reason to revise that requirement, even though it may not fit with current business plans, because there are plenty of areas in the Township where "big box" retail is encouraged and welcomed.

Supervisor Bennington commented that from this proposed location to the existing CVS location at Rt. 113 and Ferry Road is a distance of only 4.4 miles, and wondered why the applicant would want to construct another store so close to the existing store. Mr. Pilla explained that CVS does very thorough research in terms of potential areas of operation for their facilities. Given that CVS does operate another store 4.4 miles away from the proposed site, the applicant has the ability to measure where the customer base is coming from to patronize a particular store. Several years ago, another developer had considered constructing a CVS store in this same location, which the applicant felt was premature at the time, given that they believed they could service two markets with one store. The applicant, however, has since found that was not the case. Given Hilltown Township's growth and the lack of a presence of a major pharmacy in the area, Mr. Pilla noted that this site would essentially be a new market opportunity for CVS. Mr. Pilla believes that the continued growth of Hilltown Township would provide a customer base that will support the construction of a CVS at the Rt. 113 and Rt. 313 location. Chairperson Snyder wished to correct the impression that there is not a CVS in Hilltown Township, because there is one located at County Line Road and Rt. 113.

Supervisor Bennington asked how the site would be serviced for water, since there is presently TCE contamination located across the street from the site. Mr. Pilla replied that has yet to be determined. Mr. Batoff is aware that there is contamination on the lot, which is frankly why a residential development is not a viable option. CVS would have a very little drain on Township resources in general, and in fact, Mr. Batoff commented, there would be nowhere near the type of drain from a water standpoint that a Wawa would have with food preparation, etc. At the CVS site, Mr. Batoff explained there would merely be a pharmacy sink and two employee restrooms. Supervisor Bennington reminded the applicant that water is required to mix with dry drugs. Mr. Batoff agreed that CVS would clearly require a clean water source. The applicant is in possession of an existing environmental report for the site, which refers to contamination on the site itself that has in fact lessened over the years. CVS utilizes distilled water for all of their mixing of powder-based dry drugs and pharmaceuticals. Chairperson Snyder asked how the applicant intends to handle the groundwater contamination for the pharmacy use. Mr. Batoff replied that approval would be required from DEP, which has not yet been applied for. The necessary final testing has not yet been conducted, and will not be until the project is a bit further along. If this proposal is not well received in Hilltown Township, Mr. Batoff advised that the applicant has no interest in proceeding.

In addition to providing a service, Mr. Batoff stated that one of the benefits to the construction of a CVS Pharmacy at this location would be the completion of substantial road improvements to the opposite side of the Rt. 113 and Rt. 313 intersection from Wawa. Further, the applicant intends to construct a very attractive development, which is why they have expanded the proposal to be constructed on two parcels rather than one.

Supervisor Bender asked to the total area of the two properties combined. Mr. Benner replied that the entire site area totals approximately 3 acres.

It was the Board's opinion that if the applicant wishes to move forward, they should apply for a petition for rezoning for the parcels.

With regard to Supervisor Bennington's concern, Mr. Benner advised that CVS has reviewed the environmental studies that have been completed to date, and determined that there was nothing to cause them to halt the process. The applicant is confident that they will be able to address those contamination issues.

Chairperson Snyder reminded Mr. Benner that she was a member of the Planning Commission when CVS proposed construction of a pharmacy at their present location in Hilltown Township, and she felt that flexibility was not always a strong suit of the applicant at that time. Therefore, Chairperson Snyder has reservations about allowing even a 13,000 sq. ft. building in this area. Discussion took place.

Mr. Benner thanked the Board for the opportunity to make their presentation this evening.

**\*8:05PM – Chairperson Snyder adjourned the June 23, 2003 Supervisor's meeting in order to enter into a Public Hearing to consider the adoption of a Stormwater Management Ordinance.**

Solicitor Grabowski advised that this Public Hearing was properly advertised in the Doylestown Intelligencer, and was available for review at the Township office, the Doylestown Intelligencer, and the Bucks County Law Library. As a result of multiple meetings, and at least one other Public Hearing, the Township Engineer has made certain modifications to the proposed Ordinance.

Mr. Wynn explained that this proposed Ordinance would amend the Stormwater Management Ordinance of May of 2000. This is a Township-wide Ordinance that required revisions subsequent to its adoption in 2000 due to revisions of the model Ordinance agreed to by DEP, through a challenge by Tinicum Township. In February of 2002, the Township received a copy of the model Ordinance and was notified by DEP that it had to re-adopt the Stormwater Management Ordinance to be consistent with the new model Ordinance, which was to be accomplished no later than September 27, 2002. In fact, Mr. Wynn noted, approximately 17 municipalities in the Tohickon Creek Watershed and the Delaware North Watershed, which were impacted by the same decision, adopted amendments to their Stormwater Management Ordinance after September of 2002. After the Hearing in September of 2002, a few modifications were made to clarify some provisions of the Ordinance, which included a change from the term

“riparian corridor preservation,” which was revised to “riparian corridor restoration.” The requirements for that were also modified so that it only affected certain types of major subdivisions, and only provided for a restoration of the riparian corridor when it contained wetlands and/or floodplains. This would be a replanting of that riparian corridor to include water quality. Mr. Wynn noted that provisions were also added to allow a requirement for restoration of a riparian corridor to be waived or modified by the Board of Supervisors where there are existing manmade improvements or agricultural operations, that will be retained and which are already encroaching within the buffer area. The buffer area is not a normal zoning buffer, rather, Mr. Wynn explained that it is a buffer in the DEP sense that would provide for an opportunity for stormwater runoff surface water qualities to be improved by draining through a vegetated area. There was also clarification for some terms, such as “watercourse” and “stream.” The Township clarified, by adding a new section to the current Ordinance (Section 109), which provides for an appeal process based upon any decision by the Township. With respect to this Ordinance, there is a process that allows an applicant to appeal to the Zoning Hearing Board, however what was not clear was that the Board of Supervisors may alter the strict interpretation of the provisions of the Ordinance. The Supervisors have been doing that on occasion since the adoption of the Ordinance in May of 2000. Section 109 was added, which specifically allows the Supervisors to grant a modification to provisions of the Ordinance, similar to that of the Subdivision Ordinance.

Supervisor Bennington asked who instigated this Ordinance amendment. Mr. Wynn advised that it was actually instigated by Tincum Township due to their appeal of the model Ordinance that DEP had approved back in February of 2000. Supervisor Bender asked if the revisions included Section 109 modifications. Mr. Wynn replied that they did not, and noted that he is not aware of any other municipality who adopted the Section 109 modifications. Nor does he know of any other municipality who changed the term “corridor preservation” to “corridor restoration,” or who reduced the properties that are impacted by any restoration of the riparian corridor. Therefore, Supervisor Bennington advised that Hilltown Township’s changes are more liberal than the standard approved municipal Ordinance, and Mr. Wynn agreed.

PUBLIC COMMENT:

1. Mr. Neil Stein, legal counsel for the Hilltown Landowner’s Association, pointed out that there was some progress made over the initial version to the Ordinance that was drafted. Mr. Stein had written twice to Solicitor Grabowski via correspondence dated December 6, 2002 and April 14, 2003, which he felt should be made a part of the record of these proceedings. The Hilltown Landowner’s Association has very carefully evaluated the proposed Ordinance, and Mr. Stein presented their concerns in those two letters to Solicitor Grabowski. Sadly, it seems to Mr. Stein that the dialogue that had taken place several months ago has been truncated or ended for whatever reason, and

therefore, whatever progress he felt the Landowner's and the Township were making toward an Ordinance that may have been satisfactory to everyone, seems to have ended. In any event, Mr. Stein noted that it is the Supervisor's responsibility, as a legislative decision, to decide whether or not to enact this proposed Ordinance. Unlike the 17 other municipalities Mr. Wynn spoke of, Mr. Stein commented there are a number of property owners who will be affected by this proposed Ordinance and he feels it is only fair that the Board hear from them this evening. Unlike model Ordinances, it takes a great deal of time and energy to carefully consider the affect that an Ordinance has on a particular property. This evening, Mr. Stein anticipates that the Board will hear from a number of property owners who will be adversely affected by this Ordinance, and the impact it would have on those particular situations, as opposed to looking at a model Ordinance in a vacuum.

Mr. Stein asked whether or not these proceedings are being transcribed or otherwise recorded. If they are being recorded, asked that the tapes be made available so they can be transcribed. Solicitor Grabowski replied that it is a Board decision as to whether or not to release the tape recordings. Mr. Stein feels it is important so that the comments that will be made this evening are adequately preserved in the event this matter ultimately goes up for appeal.

2. Mr. Jack McIlhinney stated that the Hilltown Landowner's Association is opposed to this Ordinance in the way it is written at present. They feel that it is a violation of their constitutional and civil rights, and will proceed accordingly if in fact the Ordinance is passed this evening.

Mr. McIlhinney read the following list of questions:

- Article I, General Provisions, Section 101 – Is it the intent to stop the natural process that affects the surface of the land?

Mr. Wynn replied that this Section is verbatim from the Ordinance currently in affect. Whether the Ordinance is adopted this evening or not, Mr. Wynn pointed out that there are provisions of the Ordinance already in place. Mr. McIlhinney believes that the thrust of the entire Ordinance is to take away the rights of people who own the land or the uses of the land. If Mr. McIlhinney was referring to stopping erosion, etc., when he used the term "natural process that affects the surface of the land," Mr. Wynn replied that the answer was yes.

- Mr. McIlhinney asked if this is a Stormwater Management Program or if the real purpose of this proposed Ordinance was to regulate development.

Mr. Wynn explained that this Ordinance was prepared on the basis of an Act 167 Stormwater Management Study conducted on the Tohickon Creek Watershed in accordance with DEP regulations. Mr. Wynn noted that the Ordinance is for Stormwater Management. Chairperson Snyder commented that regulating development is part of the Zoning Ordinance, and therefore, she believes this proposed Ordinance is for both Stormwater Management and to regulate development. Mr. Wynn advised that the Stormwater Management Ordinance is not a regulatory Ordinance to restrict development such as zoning, which would provide criteria to regulate lot sizes or density, etc. Chairperson Snyder noted that she was incorrect in stating that this Ordinance was to regulate development. Mr. Wynn stated that the proposed Ordinance is a Stormwater Management Ordinance.

- Section 102, which cites "minimizing non-point source pollutant loadings"  
- Mr. McIlhinney asked why only non-point?

Mr. Wynn pointed out that this is not a section of the Ordinance that is being modified, since it is currently in effect at present. He explained that Section 102 describes a number of purposes of the Ordinance, and they are what they are.

- Mr. McIlhinney asked if this proposed Ordinance affects existing developments.

Mr. Wynn advised that is regulated by the Ordinance is contained in Section 104, which includes all new subdivisions, land developments, construction of new or additional impervious surface exceeding 20,000 sq. ft., and other items applicable under Section 104. Mr. Wynn stated that the Stormwater Management Ordinance cannot be made retroactive on previous development. Mr. McIlhinney felt that this Ordinance is not equally enforceable to all Township residents, just those who own land, and repeated his original question. Solicitor Grabowski stated that he would not allow Mr. Wynn to be cross-examined or interrogated, and reminded Mr. McIlhinney that this was not a courtroom, it was a Public Hearing. If Mr. McIlhinney had questions concerning factual matter or specific language of the Ordinance, Solicitor Grabowski suggested he ask the question or state his opinion.

- Mr. McIlhinney asked why the Perkiomen Watershed, which covers most of Hilltown Township, is not included in this Ordinance.

Mr. Wynn replied that it is included. He advised that there is no adopted Stormwater Management Plan under Act 167 in the State for the Perkiomen Creek Watershed, however the regulations adopted in this Ordinance are Township-wide. There has not yet been established a runoff rate for the Perkiomen Creek Watershed, and therefore, this Ordinance provides for the Perkiomen Creek runoff to be treated as a 100% release until



such time as a study is conducted. Mr. Wynn noted that this requirement has not been changed from the current Ordinance. Mr. McIlhinney asked what the 100% release means. Mr. Wynn explained that in the post-development condition of a property, the rate of runoff from the site couldn't exceed the pre-development rate at an equal basis for comparable storms, such as 5, 10, 15, 25, 50 to 100-year storms.

- Section 103, Statutory Authority – Mr. McIlhinney asked if the language in this section then makes this Ordinance part of the Municipalities Planning Code and Zoning Ordinance.

Solicitor Grabowski stated that it is the Township's belief that it does not. The Stormwater Management Ordinance is a stand-alone Ordinance.

- Section 303C makes reference to water quality and indicates developed areas. Mr. McIlbinney asked what are considered the developed areas.

Mr. Wynn replied that developed areas are those portions of a site being developed, such as impervious surface. Mr. McIlhinney asked if that would include any area where natural surface has been disturbed or if it is just the developed area. Mr. Wynn replied that it is the developed area. Mr. McIlhinney asked what is meant by "treatment" and "treated." Mr. Wynn advised that the Ordinance promotes infiltration and recharge, which is consistent with the current Ordinance. Once a site is determined as to whether or not it can infiltrate stormwater runoff, there are then procedures to calculate the volume of water that must infiltrate. These calculations for groundwater recharge and water quality in the current model Ordinance actually reduces the amount of water that is required. Treating the water means infiltrating the water. If an area cannot be infiltrated, Mr. McIlhinney asked how that water is then injected into the ground, and asked if anybody else has to make up the difference. Mr. Wynn replied that they do not. In Section 302, Mr. McIlhinney noted it states that certain areas will have full discharge, some will have 90%, some will have 80%, and some will have 70%. Because this is based on a watershed-wide study, Mr. Wynn explained that a portion of the Tohickon Creek Watershed, which is at a reduced rate, is based upon reducing the flood flows into the watershed. It is all 100% for Hilltown Township. Mr. McIlhinney asked if the Ordinance should be modified to indicate that. Mr. Wynn advised that it does say that throughout the Ordinance and the map identifies the 100% release rate for direct discharge areas.

- Is there anywhere in Hilltown Township, where there is actually a release of less pre-development runoff than post-development runoff?

Mr. Wynn did not understand the question. Upon review of this proposed Ordinance, Mr. McIlhinney thought it stated that certain areas would be releasing less water runoff than

that which occurs at present, prior to development. Mr. Wynn noted that the current Ordinance requires a reduction. It requires, if possible, an infiltration of up to a two-year runoff, which reduces the amount of runoff from the site over pre-development conditions. That requirement has been deleted from the Ordinance proposed this evening.

- In the infiltration design, one type calls for gravel or crushed stone beds. Mr. McIlhinney asked how that can be done when another section of the Ordinance states that crushed stone driveways and such, are considered impervious.

Mr. Wynn advised that Mr. McIlhinney is mixing the two together. This is using crushed stone as an infiltration bed, similar to a French drain, where water flows through a crushed stone surface, which is going to be choked with vines and become effectively, impervious because of that. The infiltration bed with crushed stone is wrapped with a liner to prevent the migration of vines.

- It appears to Mr. McIlhinney that every waterway, whether natural or manmade, is considered a watercourse under this Ordinance.

Mr. Wynn asked if Mr. McIlhinney is referring to the definition of "watercourse." Mr. McIlhinney replied that he is referring to all of the definitions that relate to water and Waters of the Commonwealth, etc. Mr. Wynn explained that the definition of "watercourse" is the same definition of watercourse found in the Subdivision/Land Development Ordinance, which refers to an intermittent or perennial stream of water, river, brook, creek, or swale identified on USGS mapping or SCS mapping; and/or delineated Waters of the Commonwealth. Mr. McIlhinney does not feel it is properly clarified in the definitions.

- Section 304P, Riparian Corridor Restoration – It appears to Mr. McIlhinney that if the site is currently being used as an ongoing farm, the land owner would not have the requirement of doing riparian corridors, but if a developer were to purchase that farm, he would be responsible for dealing with the riparian corridor.

Mr. Wynn agreed that was correct. If the site is not subdivided, and there are no ongoing agricultural operations, Mr. McIlhinney asked if this Ordinance would then apply to that property owner. Mr. Wynn replied that it would not. He explained that the applicability of the Ordinance is contained in Section 104, and only those activities defined under that section are affected by the Ordinance. With respect to the riparian corridor restoration, Mr. Wynn noted that would only apply to major subdivisions and non-residential land developments, and would only affect a property on which 75 ft. of the corridor contains

wetlands or floodplains, which is already prohibited from development by the Zoning Ordinance. If Mr. McIlhinney owned a property with various swales, drainage ditches, and intermittent streams, etc. and is not proposing a subdivision, he asked if the riparian corridor requirements would have any affect on his property. Mr. Wynn replied that it would not. If Mr. McIlhinney proposed a major subdivision, he asked if all of the nuances of this proposed Ordinance would then come to bear upon him. Mr. Wynn felt that Mr. McIlhinney is mixing the requirements of the entire Ordinance with the riparian corridor requirements. He explained that the riparian corridor requirements only impact major subdivisions and non-residential land developments. Further, he wanted Mr. McIlhinney to understand the Ordinance applies for all those activities as noted in Section 104, but the riparian corridor restoration provisions do not, which is unchanged from the Ordinance presently in effect.

- If he were to apply for a major subdivision, and there are drainage ditches, swales, and a pond on his property, Mr. McIlhinney asked if the riparian corridor requirements and all the other applicable requirements come into play.

Mr. Wynn replied that it would come into play under circumstances where watercourses are identified on the SCS or USGS mapping, where the watercourse measured 75 ft. out contains wetlands, or floodplains, and where agricultural operations are not going to continue. Therefore, in effect, Mr. McIlhinney noted that he would lose the right to develop on that 75 ft. on either side of the watercourse. Mr. Wynn stated that Mr. McIlhinney is currently limited to development of that portion of the riparian corridor that was just mentioned under the Zoning Ordinance, which has a 100% protection requirement for both floodplain and wetlands.

- Section 304S - 3, Artificial wetlands, wet ponds, and bioretention structures. Mr. McIlhinney asked what artificial wetlands have to do with stormwater runoff control. If the purpose is just to hold the stormwater, Mr. McIlhinney asked why the Township requires artificial wetlands.

Mr. Wynn explained that the purpose is not just to hold runoff, rather it is to improve water quality and infiltration. A standard detention basin that was built in the 1970's and 1980's, has a concrete bottom, a low flow channel, and a mowed lawn as needed. The concrete channel actually allows runoff, which from a roadway for example, would contain salt, oils, and other automobile refuse, to flush through the basin and flow out of the basin and into a stream.

Mr. McIlhinney commented that wetlands do have a tendency to draw mosquitoes. Mr. Wynn noted that the Montgomery County Conservation District has recently published an article showing that a well-constructed wetland has reduced the mosquito population

because of predators that exist within it. Mr. McIlhinney asked if the additional wetland would be supplied by the property owner. Mr. Wynn stated that the artificial wetland would replace the standard detention basin. It appears to Mr. McIlhinney from attending recent Township meetings, that the few he has seen come before the Planning Commission, have been two or three times the size of a standard detention basin. Mr. Wynn disagreed, noting that the volume requirement does not change, and in fact, it allows the same amount of volume to be controlled in a smaller portion of the site.

- Will the Township in its development of parks, recreation land, future and existing highways, be instituting these same requirements to protect the groundwater?

Mr. Wynn commented that new building construction would adhere to these requirements, however existing or future roadways would not. He advised that existing roadways are not regulated. Mr. McIlhinney asked why it is not a regulated activity. Mr. Wynn replied that it would be a rather expensive proposition. Mr. McIlhinney commented that it is expensive for the individual landowner as well. Mr. Wynn stated that the Township does address stormwater runoff and stormwater quality for a new roadway project. Mr. McIlhinney noted that the Township is asking the residents who have land for development to meet these requirements, however, they do not have the same requirements for the municipality itself. Chairperson Snyder explained that the taxpayers of this Township, including landowners, would have to foot that bill to address stormwater for existing roadways. Mr. McIlhinney noted it is called equal protection under the law.

Mr. McIlhinney of 1634 Broad Street registered his personal objection to this proposed Ordinance, and would hope that all residents of Hilltown Township would be opposed as well.

3. Mr. John Wietecha of 1319 Mill Road is opposed to the Ordinance as it was written. He also speaks on behalf of the Hilltown Landowner's Association in opposition to this Ordinance.

4. Mrs. Marilyn Teed of Mill Road stated that it was her understanding that there were some meetings held with Township staff and representatives of the Hilltown Landowner's Association prior to this Public Hearing. With all of the questions Mr. McIlhinney presented this evening, Mrs. Teed wondered why these matters were not previously addressed, and why the language was not made more specific and clear for those individuals with these concerns. Mrs. Teed opposes this Ordinance because it has not been resolved to the satisfaction of the Hilltown Landowner's Association.

5. Mrs. Meg Bennett of 211 Fairhill School Road objected to this proposed Ordinance.

6. Mr. Joe Miketta of 1211 Hilltown Pike asked if this proposed Ordinance will affect property owners who previously subdivided their land, as well as property owners who might subdivide in the future. Mr. Wynn replied that the requirements will not affect a property owner who has already subdivided their property, however someone purchasing a lot that has not yet been built upon, will be affected. Mr. Miketta did not like that response. It is his feeling that if there are water quality and quantity issues, every Township resident should be responsible for solving it, not just the big landowners or the people who will be subdividing in the future. If there is a major subdivision located next to Mr. Miketta's property that draws all of the water out, he does not believe he should be the one to pay the price to fix it. Mr. Miketta feels that individuals who own a house right now should be contributing to infiltration, yet they are not. Therefore, when he decides to subdivide in the future, he will have to account for all of this, and the value of his property would then decrease, yet Mr. Miketta's neighbors, who may have subdivided ten years ago, are not held responsible. Chairperson Snyder explained that it is not legal or Constitutional to retroactively require residents to address stormwater issues when they are already in their homes. Solicitor Grabowski agreed that was correct.

With regard to the definition of watercourse, Mr. Miketta does not agree that it is clearly outlined in the proposed Ordinance. He has read through the document several times and noted that it was very difficult for him to determine which streams would be affected by this Ordinance. Mr. Wynn read the definition of watercourse, which follows "An intermittent or perennial stream of water, river, brook, creek, or swale identified on USGS mapping or SCS mapping; and/or delineated Waters of the Commonwealth." Mr. Miketta noted that SCS mapping can contain a great deal of different streams. Mr. Wynn stated that only certain streams that are identified on the maps, and the map for each individual property would have to be reviewed simultaneously. Mr. Miketta has done that, however there are some streams on that map that are unnamed and could be swales, etc. He feels this definition is very confusing. Mr. Wynn advised that the streams are all identified either as an intermittent or perennial, and other swales are not identified at all, which would not be a watercourse. Mr. Miketta stated this is of great concern to many landowners in the Township because there are a lot of streams in those SCS and USGS publications that are very small and most people do not realize that they are regulated. Mr. Wynn pointed out that all of those streams are currently regulated under the existing Ordinance; this is not a change.

Mr. Miketta questioned the 75 ft. riparian buffer zone. Mr. Wynn believes Mr. Miketta is thinking of this buffer as a Zoning requirement, which is not what the Ordinance provides for. This proposed Ordinance has a restoration requirement for riparian corridors, and that restoration occurs only where a corridor contains wetlands or floodplains that must

be re-vegetated. The area near floodplains and wetlands is currently 100% protected by the Zoning Ordinance and is not permitted to be developed.

Mr. Miketta read two definitions in the proposed Ordinance (pgs. 11 and 12), which follow:

“Watercourse – An intermittent or perennial stream of water, river, brook, creek, or swale identified on USGS or SCS mapping and/or delineated Waters of the Commonwealth.”

“Waters of the Commonwealth – Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.”

Mr. Miketta asked if both are regulated by this Ordinance. Mr. Wynn advised that Waters of the Commonwealth, which is a term used by DEP, are regulated at present and will be under this proposed Ordinance. For the record, Mr. Miketta noted that the Hilltown Landowner’s Association is not in favor of this.

Mr. Miketta objected to this proposed Ordinance for several different reasons. He submitted his personal objections in writing to the Township for inclusion in these minutes, a copy of which is attached.

7. Mr. Nick Phillips of 1231 Mill Road opposed this Ordinance, stating that it was unconstitutional.

8. Mr. James Class of Keystone Drive opposed this Ordinance.

9. Mr. Jim Sensinger of 1411 Rt. 113 stated his opposition to this Ordinance. It appears to him that there was an attempt at dialogue between legal counsel for the Hilltown Landowner’s Association and the Township, that has been obviously been cut off. Mr. Sensinger does not understand why the legal counsels for both parties could not have come to some sort of an understanding so that these questions could be clarified and the concerns could be addressed to a better degree of understanding. If the Supervisors pass this Ordinance this evening, Mr. Sensinger believes they will be opening a Pandora’s Box, and suggested that approval be delayed until the two legal counsels can come to an agreement.

10. Mr. Jackson Teed of Mill Road has a concern with the riparian buffer. He understands that the restoration will only come into play with major subdivisions or non-residential land developments, however his property is surrounded by water runoff from the roadway from properties upstream from his home and down to the County’s earth

dam. If this proposed Ordinance begins to turn into something else, Mr. Teed feels that every resident on his street will be in violation because all of their homes are within 100 ft. of a major tributary to that earth dam. He fears that eventually, something as simple as constructing a garage will be denied because it will be located within the riparian corridor. Mr. Teed is opposed to this Ordinance.

11. Mr. Joe Marino of 519 Redwing Road noted that there is a ditch on his property that contains water when it rains, however at other times it remains dry. He asked if a riparian buffer restoration would be required for this ditch. Mr. Wynn replied that it would not. If this Ordinance is passed, Mr. Marino asked if it would prohibit his animals from crossing this ditch. Mr. Wynn stated that this Ordinance does not regulate that activity. Mr. Marino spoke to the engineer at the Bucks County Community College who told him that if any water flows through that ditch, he would be held liable. Mr. Marino wants clarification, because if that statement is correct, he is definitely opposed to the Ordinance as it would be a violation of his rights. Mr. Wynn commented that there is no buffer provision in the Ordinance, and the Ordinance does not regulate that activity. He explained that the riparian corridor provision is the replanting of the riparian corridor, only under certain circumstances, including a major subdivision or a non-residential land development, where within 75 ft. of either side of the bank, there is existing wetlands and/or floodplains. He noted that wetlands and/or floodplains are regulated now by the Zoning Ordinance and require 100% protection. This proposed Ordinance does not provide any more buffers or setbacks from that area than the Zoning Ordinance already requires. It also provides that where there is existing vegetation that duplicates the riparian vegetation, the provisions do not apply. Further, it allows that the requirement may be waived or modified where existing manmade improvements or agricultural operations are to be retained, which encroach within the buffer area. Mr. Wynn advised that if a property owner has current agriculture operations within 75 ft. of a regulated watercourse, or if a property owner has animals in that area or other activity, it is not regulated by this Ordinance. The Ordinance only regulates those activities under Section 104 for subdivisions, land developments, and new impervious surface.

On a different subject, Mr. Marino commented that the Township has been considering additional uses for farmlands and barns, etc. There has been consideration of an Ordinance to permit secondary uses, and he wondered how that will be affected by this Ordinance. For instance, if he has a building that he wishes to utilize as a secondary use, which is located close to a watercourse, Mr. Marino asked if any provisions in this Ordinance would affect that. Mr. Wynn explained that the riparian corridor provision would not come into play, unless there was additional impervious surface proposed. This Ordinance allows for exemption of certain amount of impervious surface from the regulations. The exemption criteria comes right out of the model Ordinance which has been adopted throughout Bucks County. It also provides for certain unregulated activity

in that new and additional impervious surface that is less than 1,000 sq. ft. in area is not regulated.

After hearing Mr. Wynn's explanations, Mr. Marino felt a bit more comfortable with the Ordinance. He is still concerned, however, with the half-truths that seem to prevail between those who have and those who don't, which he feels are the worst enemy that the residents of this Township have. As stated in the past, Mr. Marino commented that residents of Hilltown Township will do well if they work together and encouraged everyone to do so.

12. Mr. Mark Funk of Broad Street asked if he can re-direct water to flow on his property if he farms his land. Mr. Wynn replied it depends on what watercourse Mr. Funk might be proposing to re-grade. There are certain DEP regulations that come into effect, some of them on smaller streams are what is called a General Permit, and some of the larger streams cannot be modified. There is no easy answer to Mr. Funk's question, and Mr. Wynn noted that it would depend on the drainage way the applicant is proposing to modify.

If there is a 1000 ft. wide field with an existing drainage ditch on either side of the property with one down the middle, all of which are basically dry unless it rains, Mr. Funk asked if the middle ditch could be diverted half to the left ditch and half to the right ditch. Mr. Wynn replied that it is not something that he can answer without knowing more information, like how much drainage is contributing to, etc.

Mr. Funk is opposed to the wetland easement to purify the water. Mr. Wynn advised that there is no wetland easement, and believes that Mr. Funk is speaking of the Stormwater Management facility that is an artificial wetland basin. Mr. Funk asked if that area then becomes an easement. Mr. Wynn explained that there are provisions that an easement has to be granted for Township inspection of that facility. Mr. Funk's concern stems from the fact that an individual homeowner will be charged with the responsibility for maintaining wetland basins. Mr. Wynn commented that this is what is being proposed on the property Mr. Funk has under agreement with the developer of the Ridings at Hilltown Subdivision. However, he noted that it is the choice of the developer; the developer did not have to propose that. Mr. Wynn reminded Mr. Funk that he has a private agreement with the developer of the Ridings at Hilltown, of which the Township is not party to. In this particular case, it will be the water runoff from the lots in the subdivision, and a proposed public roadway, which will drain into an area that will be managed by a wetland basin that Mr. Funk will be charged with maintaining. Mr. Wynn advised that the developer of that subdivision could have proposed to donate the wetland basin to the Township and pay a fee for the Township to maintain it in the future. The developer who subdivided the property Mr. Funk lives on is proposing that Mr. Funk maintains that basin, which is a private agreement. Mr. Funk was not aware that there were other



options available to the developer. He has come to an agreement with the developer, but warned other residents that if they purchase a lot with a detention basin on it, you will be responsible for the maintenance of it. Mr. Wynn stated that any detention basin responsibility or easement is recorded at the Bucks County Courthouse by separate covenant, and therefore, a potential property owner should certainly be made aware of their responsibility, which would come to light during a title search.

13. Mr. George Bedford of 3232 Rickert Road opposed the adoption of this Ordinance.

Supervisor's Comments:

1. If there is a watercourse on a property that is considered wetlands, Supervisor Bender is aware that it can not be built upon at the present time. He asked what would be required if a major subdivision were proposed for that same property with regard to riparian corridor restoration. If there were a major subdivision of the property and the vegetation was not present providing for the vegetated barrier to improve water quality, Mr. Wynn advised that the provisions require a re-planting of that area, unless there is continued agricultural operations. Therefore, Supervisor Bender commented that a property owner or a developer would not be losing any ground that could be built upon. Mr. Wynn replied that it is not impacted at all by this Ordinance. Currently, what is permitted on floodplains or wetlands is controlled by the Zoning Ordinance, and they are protected to a 100% protection rate so that there is no building permitted on floodplains or wetlands except for road crossings. Supervisor Bender reminded the residents that there is also a provision in this Ordinance to appeal to the Board of Supervisors for relief from the modification requirements. Mr. Wynn clarified that there is a modification provision added, which the Board has taken advantage of in prior instances. It is now clear by the addition of Section 109 of this proposed Ordinance that the Supervisors have the authority to grant a modification to the Ordinance. There is also an appeal process to the Zoning Hearing Board, which remains unchanged from the current Ordinance, if the Supervisors choose not to grant a modification.

2. Supervisor Bennington asked if Solicitor Grabowski and Mr. Wynn are satisfied that the Township has gone the extra mile by meeting with legal counsel for the Hilltown Landowner's Association to address their issues and concerns, more so than other municipalities have. Solicitor Grabowski confirmed that he and Mr. Wynn did meet with Mr. Stein, legal counsel for the Homeowner's Association and with Mr. Miketta, as their representative; and there was also correspondence, which was passed on to the Board, and to which Mr. Wynn responded. The points that were made by the Landowner's Association have been reviewed by the Supervisors, and heard this evening.

Mr. Wynn commented that the Ordinance proposed this evening is not greatly dissimilar from the one that has been in effect for the past three years. A slightly more restrictive version has been adopted in many municipalities. As Mr. Wynn mentioned briefly, the provisions for infiltration requirements have actually been reduced by this proposed Ordinance over what they are in the current Ordinance, with regard to what must be infiltrated if the soil conditions are adequate.

3. Supervisor Bennington asked Mr. Wynn to explain, one more time, the riparian corridor restoration concept. Mr. Wynn advised that this provision, in the model Ordinance and the Ordinance originally discussed last September and reviewed by the Planning Commission, included the term "riparian corridor preservation." That language was very similar, although not completely the same as the model Ordinance. Apparently, there was a great deal of confusion because the term "preservation" and the term "buffer" used within that section conjured up a new requirement for a setback from stream corridors that would reduce the ability to do certain development on property. For that reason, Mr. Wynn noted some of the language was changed and the term was also changed from "preservation" to "restoration." Also, instead of requiring what was previously a preservation and a planting for all types of regulated activities, it was reduced in context to only those of major subdivision and non-residential land developments, similar to other subdivision procedures, which can then be better coordinated with a larger development of a tract of land. Mr. Wynn also clarified that it would only be applicable where land was already regulated by both wetland and floodplain provisions of the Zoning Ordinance. Even more language was added to clarify that if existing vegetation already duplicates buffer requirements, that the whole provision didn't apply. Further, in addition to the modification provisions of Section 109, another provision was added that the Board of Supervisors specifically could modify or waive this requirement where there are already manmade improvements or agricultural operations that would be retained. Therefore, if there is a major subdivision of property with a few lots being subdivided but the farm tract is to be retained as such and agricultural fields are encroached within this area already, it can continue as it exists. Mr. Bender asked if there is any cost associated with an appeal to the Supervisors. Mr. Wynn explained that there would be no additional cost, however there are costs for the Stormwater Management Permit Application, which exist at present.

#### Resident's Comments (Continued)

14. Mr. Jim Sensinger of 1411 Rt. 113 stated that this proposed Ordinance should have been reviewed and discussed with legal counsel for both the Township and the Landowner's Association at more than one meeting. He believes that they should have met a second time to review the answers to the questions and concerns raised by the Landowner's Association in order to provide a thorough, comprehensive consideration.

If this was not done, Mr. Sensinger does not feel as though the Township went the extra mile.

Chairperson Snyder believes that the Township has addressed all of the issues raised by the Landowner's Association and has made appropriate accommodation to those requests, either by correspondence or by meetings held with legal counsel for both parties.

15. Mr. George Bedford asked Mr. Wynn about the 17 municipalities he referred to who are affected by this Ordinance. Mr. Wynn explained that there are approximately 17 municipalities that are impacted by the North Delaware and the Tohickon Creek Stormwater Management Plan. He does not know if all of those 17 municipalities have adopted this Ordinance, however he is aware of at least ten that have.

Motion was made by Supervisor Bennington, and seconded by Supervisor Bender, to **adopt Ordinance #2003-2, the Hilltown Township Stormwater Management Ordinance amendment, as stated above.**

Public Comment:

1. Mrs. Marilyn Teed of Mill Road advised that if this precipitates any further legal action by the Hilltown Landowner's Association, as a taxpayer, she will be very upset that the Township has not attempted to correct the problem before it takes a great deal of taxpayer's funds to promote legal action against something that many of Hilltown residents have concern with.

Motion passed unanimously.

\*9:20PM - Chairperson Snyder called for a brief recess.

**\*9:33PM – Chairperson Snyder adjourned the advertised Public Hearing to consider the adoption of the proposed Stormwater Management Ordinance, and reconvened the June 23, 2003 Hilltown Township Board of Supervisors meeting.**

D. CONFIRMED APPOINTMENTS (continued) –

3. Mr. Mark Fazio – Hilltown Village Concerns – Chairperson Snyder noted that Mr. Fazio could not be present this evening. Mr. Lippincott explained that Mr. Fazio phoned him and asked that the Board of Supervisors forward correspondence to PennDot requesting them to conduct a traffic study, as well traffic calming suggestions and accident information at the intersection of Hilltown Pike and Rt. 152, near the Hilltown Inn. Discussion took place.

The Supervisors unanimously agreed to authorize correspondence to PennDot requesting that a traffic study be conducted at the intersection of Rt. 152 and Hilltown Pike, as noted above.

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

1. The Township is seeking authorization to advertise for a Public Hearing to consider applications for Community Development Block Grant Funding. Mr. Lippincott noted that the Township is in year two of the three-year cycle, with approximately \$90,000.00 available. He anticipates that the Township will most likely apply for a portion of this funding for the restoration of the roof and the chimney of the former municipal building in Blooming Glen.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of a Public Hearing to consider applications for Community Development Block Grant Funding. There was no public comment.

2. Mr. Lippincott presented a sample Ordinance and job description for the position of fire marshal for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize review of the sample Ordinance and job description for the position of Fire Marshal by the Township Solicitor. There was no public comment.

3. Mr. Lippincott recommended the appointment of Mr. Tony DeLude, who has been working part-time since 1996, as a full-time employee on the Hilltown Township Public Works Department.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to appoint Mr. Tony DeLude to the full-time position on the Hilltown Township Public Works Department. There was no public comment.

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

1. Correspondence was received from Steven Miller of Miller Tire and Auto Express, requesting authorization to complete the replacement of concrete in front of the service bays and office at their location on 1260 Rt. 113. On May 8, 2003, the applicant was issued a Stop Work Order by the Building Inspector. Mr. Lippincott had advised Mr. Miller that a Waiver of Land Development submission was required. Mr. Miller is seeking authorization to move forward with the replacement of concrete until such a time as a Land Development Waiver submission can be reviewed and processed by the

Planning Commission and the Board of Supervisors. Discussion took place. Mr. Lippincott advised that a modified Stop Work Order could be issued to allow for the restoration of the concrete only. Mr. Miller anticipates that he will be submitting a Land Development Waiver Request to the Planning Commission later this week.

The Supervisors unanimously agreed to allow Mr. Miller to proceed with the replacement of concrete in front of the service bays and office at Mr. Miller's 1260 Rt. 113 location, as noted above.

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

1. Solicitor Grabowski presented the Subdivision Agreement, Dedication of Road Frontage Easement, Street Tree Donation, and Future 20 ft. Walking Path Easement Agreement for the Beck Subdivision, located on Township Line Road, for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Subdivision/Land Development Agreement for the Beck Subdivision. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2003-26, the Dedication of Road Frontage Easement, for the Beck Subdivision.** There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Future 20 ft. Walking Path Easement Agreement for the Beck Subdivision. There was no public comment.

2. Solicitor Grabowski advised the next H & K Quarry Public Hearing will be held on Tuesday, July 29, 2003 at 7:00PM here at the Hilltown Township Municipal Building.

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

1. Grim Subdivision (Minor) – The Planning Commission unanimously recommended preliminary/final plan approval to the Grim Minor Subdivision located on Callowhill Road, conditional upon completion of all outstanding items as contained within the June 2, 2003 engineering review. The Planning Commission recommended the following waivers for approval:

- From Section 403.4 (Subsections F, I, J, and N), which require various existing features within the site, and within 100 ft. of the site, to be shown

on the plan. As the proposal is a minor subdivision, plan preparation requirements are included in Section 402.4, except where additional features as required by Section 403.4 are deemed necessary by the Township. The request notes that all applicable existing features have been shown within the area of development.

- From Section 505.16, 506.4.A, 512.1, and 513.1, which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, and sidewalk along existing roadways within the frontage of the tract being subdivided. Waivers are requested due to the rural nature of Callowhill Road, and that no adjacent curb or sidewalk exists along the project side of Callowbill Road.
- From Section 504.2.D, which requires lot lines to be oriented substantially at right angles or radial to the street line, from the street line to the rear lot line. As proposed, the lot line contains bends to establish the flag configuration of the property. Request is made due to the location of the flag access.
- From Section 402.2.A, which requires the plan scale to be 1" = 50' or 1" = 100'. Waiver is requested for plan sheets 2, 3, and 4, which are drawn at a scale of 1" = 60', in order to include the entire project area on one sheet.
- A partial waiver of the Stormwater Management Ordinance (#2000-5) to permit stormwater management associated with Lot #2 to be completed prior to issuance of building permits.

Motion was made by Supervisor Bennington, and seconded by Supervisor Bender, to grant conditional preliminary/final plan approval to the Grim Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's June 2, 2003 engineering review.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street stated that the Planning Commission, at their last meeting, indicated that work had started on this site without receipt of approval from the Bucks Conservation District. Mr. Lippincott noted that the applicant was subsequently fined and a Notice of Violation was issued by the Bucks Conservation District. Mr. McIlhinney asked if it was normal procedure for an applicant to begin work on a subdivision prior to receiving final plan approval by the Township. Mr. Wynn explained that in this instance, it was a two-step process where the applicant was actually

moving her existing dwelling from one location on the property to another, which did not require subdivision. However, the subdivision plan requires a Bucks Conservation District approval of the erosion and sedimentation control procedures for both lots, which the applicant has not yet received.

Motion passed unanimously. There was no further public comment.

2. First Service Bank (Preliminary) – The Planning Commission unanimously recommended denial of the First Service Bank Preliminary Plan unless an extension is received by the applicant not later than July 18, 2003. Mr. Eric Tobin, the applicant's legal counsel is out of town, and although it is anticipated, the Township has not yet received an extension.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the First Service Bank Land Development, unless a written extension is received by July 18, 2003. There was no public comment.

3. Agricultural Security Area Applications – The Planning Commission unanimously recommended acceptance of the additional applications for inclusion in the Agricultural Security Area.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the applications for inclusion in the Agricultural Security Area as noted above. There was no public comment.

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

1. Giant Land Development – The maintenance period for improvements required in conjunction with the Giant Land Development application is nearing termination and all improvements remain satisfactory. Mr. Wynn noted that some of the improvements required pursuant to the Giant Land Development were subsequently modified by the Home Depot Development improvements and are guaranteed via the Home Depot Development/Financial Security Agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept completion of the maintenance period for improvements required in conjunction with the Giant Land Development, as noted above. There was no public comment.

2. Hilltown Plaza Outparcels – Improvements required in conjunction with the Hilltown Plaza Outparcels, which includes Quakertown National Bank and Wendy's, is also nearing completion and all improvements including curb, widening, and some

landscaping requirements are being modified in conjunction with the Home Depot improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept completion of the maintenance period for improvements required in conjunction with the Hilltown Plaza Outparcels (Quakertown National Bank and Wendy's) as noted above. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Judy Greenhalgh of 874 Blooming Glen Road recently read a short article in the section of the News Herald that refers to things that happened in the past 10, 20 or 30 years in the community, about a resident on Callowhill Road who was denied his request to construct a nursery and greenhouse due to water concerns. Mrs. Greenhalgh encouraged the Supervisors to be equally concerned about the loss of valuable water with regard to the pumping of possibly 600 to 1,000 gallons per minute at the Skunkhollow and Blooming Glen Quarry sites, as was discussed at their recent zoning hearings. Mrs. Greenhalgh has begun researching area wells that have gone dry, including hers in 1997. Each citizen whose well goes dry must obtain a permit from the Township, free of charge, to re-dig. Presently, those permits are placed in the individual tax parcel files and therefore, a running list of how many wells that have gone dry cannot be accessed. Mrs. Greenhalgh suggested that a central file tracking well permit applications be initiated. Mr. Lippincott advised that he has that data in the computer and would be happy to print it for Mrs. Greenhalgh. Mr. Lippincott reminded those whose wells go dry to apply for the free permit to re-drill, so that the Township can track that information.

Mrs. Greenhalgh also read an article in the Intelligencer regarding erosion violation fines, where it was noted that H & K Quarry was cited and fined \$8,000.00. She called Mr. Fred Grohshens of the Bucks Conservation District and discovered that it occurred at the Blooming Glen Quarry on the south side of Minsi Trail. The quarry had not filed a control plan for erosion and runoff, and there was muddy water that was not being properly addressed. The quarry apparently has since taken some steps to improve the situation. If H & K failed to file the appropriate plan and to act properly, as a "good neighbor to the community," which they have repeatedly stated at recent Public Hearings, Mrs. Greenhalgh asked how the Township can be sure that similar or other violations will not happen in the future, especially with regard to their request to expand operations and hours of operations.



2. While traveling through the new stop lights at the intersection of Bethlehem Pike and Rt. 113, Mr. Harry Mason of Morgan Lane noticed that if you are the second vehicle in line, it is difficult to see those lights. Mr. Wynn will review the situation.

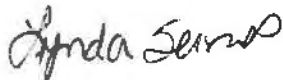
3. Mr. George Egly of Minsi Trail thanked Mr. Lippincott for having the crosswalks on Blooming Glen Road in front of his church painted so quickly. He invited the Board of Supervisors and any other interested residents to attend the 250<sup>th</sup> anniversary of Blooming Glen Mennonite Church from 10:00AM to 2:00PM on Saturday, June 28, 2003.

L. SUPERVISOR'S COMMENTS: None.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the June 23, 2003 Hilltown Township Board of Supervisors meeting was adjourned at 10:06PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

MEMORANUM FOR: Hilltown Township Supervisors  
Betty Snyder, Chairperson  
Ken Bennington  
John Bender

From: Joseph J. Miketta *Joseph J. Miketta*

Subject: Hilltown Township Storm Water Management Ordinance

Date: June 23, 2003

With this Memorandum I formally submit the following comments as testimony at the public hearing conducted by the Hilltown Township Board of Supervisors on June 23, 2003 for the purpose of enacting the Hilltown Township Storm Water Management Ordinance.

It is my belief that this proposed ordinance unfairly subjects farmers and large lot owners, many who are long time residents of this Township, to several unreasonable restrictions with respect to the use of their property. The reduction of storm water runoff and the improvement of ground and surface water resources is always a laudable goal. However, this proposed ordinance places the burden of addressing these issues solely on the shoulders of the aforementioned citizens, the very people whose contribution to these problems is minimal.

It is my belief that this ordinance should be re-written so that all those who help cause water resource problems make a fair-share contribution to correct them.