

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, February 25, 2002
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
Betty P. Snyder, Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bender announced the Board met in Executive Session prior to this meeting in order to discuss legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the February 11, 2002 Worksession Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 11, 2002 worksession meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated February 26, 2002, with General Fund payments in the amount of \$97,464.47 and State Highway Aid payments in the amount of \$7,276.12; for a grand total of all payments in the amount of \$104,740.59.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated February 26, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Park and Recreation Board – Hilltown Township Park and Recreation Board members Mrs. Jane James, Mr. Bob Wendig, and Mr. Nick Lupinacci, along with Mr. Jon Apple (who arrived late) were in attendance to discuss the proposed Forest Road Park. Mr. Wendig, Vice-Chairperson of the Park and Recreation Board, explained that a public meeting was held on February 14, 2002 for neighboring residents of the proposed Forest Road Park to express their comments regarding the proposal. After hearing the residents concerns and comments, the Park and Recreation Board took a 4:2 vote to proceed with the original Park and Recreation Recommendation #01-05 requesting the

cost of the continued planning of the Forest Road open space property by contracting the services of Spotts, Stevens, and McCoy, Inc. for Item A. – Overall Design Plan for the entire site at a cost of \$5,800.00 and Item B. – Opinion of costs and phasing plan at a cost of \$4,700.00 as submitted to the Township Manager in the letter of November 8, 2001 from Spotts, Stevens, and McCoy, Inc. At the February 14th meeting, a number of residents raised concerns regarding additional traffic, the number of playfields proposed, the possibility of lighted fields, etc. A majority of those surrounding property owners were opposed to constructing a large area of active recreation at the Forest Road Park. Mr. Lupinacci noted that after the February 14th meeting, the Park and Recreation Board agreed with the neighbors that there should be consideration of a reduction in the number of active playing fields at the site. It appears that everyone was in agreement with a walking trail, playgrounds, parking areas, a baseball field, and a softball field. The Park and Recreation Board would like to revise their recommendation (#01-05) to scale down the park proposal to those items listed above.

Mr. Wendig read the following prepared statement:

“As many of you are aware, I have served on the Park and Recreation Board for 12 years. I was chairperson from 1990 to 1994. I am currently the Vice-Chairperson of the board. This evening, I owe you, my Supervisors, a sincere apology concerning the Forest Road Park plans. I regret during our planning process not adequately advertising and soliciting proper public input, and I deeply regret not holding a public meeting on this park before sending you a recommendation. Please accept my apology, this will not happen again. Since the inception of the purchase of the Forest Road parcel, your Park and Recreation Board, with your encouragement, has provided an outline plan for this parcel. We provided in writing, to Spotts, Stevens, and McCoy, a project agenda prioritizing the desired park layout. Spotts, Stevens, and McCoy, subsequently provided us with sketch plans and your Park and Recreation Board approved for Supervisor approval, those plans. During this planning time, there was little public input or comment. After our Park and Recreation Board meeting of January and February 2002 in which many residents were in attendance, I began to analyze the Board’s process and my position, because initially, I fully supported the current plan with six fields. I now realize I made a mistake in submitting the current plan and supporting the current plan. In questioning the residents at the February meeting, I found that this was indeed not a NIMBY scenario. The residents support a park but they do not support a plan with six active fields. They simply would prefer to see two fields. The many residents in attendance at our recent meetings with concerns of traffic, zoning, lights, property values, and number of parking spaces were not what made this board member ultimately change my mind. It was the recent Hilltown Township survey. In reviewing this survey, it further indicated that this was not a NIMBY scenario. I cannot, in good conscience, endorse a plan for six athletic fields, when only 6% of those surveyed want more athletic fields. We need to pay more attention to this survey, or it would be out of favor with all the residents of Hilltown. Of

the 12,000 total Hilltown residents, we had 2,229 responses; only 142 wanted more athletic fields. Another statistic which is even more revealing when you study it, is that according to Deep Run's Residency Report dated 10/30/00, there is approximately 700 Hilltown families, not individuals, on Deep Run's roster. I find it surprising that they did not indicate through the questionnaire, the desire for more fields. With regard to Deep Run Valley Sports Association, Deep Run is a great organization. My children as well as many of yours have benefited from this non-profit association. For the record, there is no impropriety whatsoever with any Park and Recreation Board member and Deep Run. You will note that Jon Kutzner, one of our board members who is intimately involved with Deep Run, abstained from voting on the Forest Road Park. I commend Jon for his excellent judgment. Deep Run has some vexing problems that we as the Township cannot be completely expected to solve. Hilltown Township currently does not have any guiding policies for any non-profit groups. We can lend assistance to non-profits, but we need firm policies and plans to do so. Why leave the Township vulnerable to inequalities and legal minefields? Where will Deep Run be in five, ten, or fifteen years from now? May I suggest a summit meeting with Deep Run, Hilltown, Bedminster, Perkasic, Dublin, etc.? At this meeting, a more uniform, fair and planned approach to assisting Deep Run and other non-profits could be worked out. Please consider this suggestion or we will constantly be facing this issue over and over again. As a resident, volunteer, and taxpayer of 20 years in Hilltown, I can truly say that this Board of Supervisors has been the very best. You have all worked hard and aggressively to promote open space. However, there is a grave danger with this issue. Red and yellow flags should be abundantly obvious. If we are not careful with all of our open space money, and do not respond to the people's desires, our Open Space Referendum will be called into question. I for one do not want to go down that path. If we do, we all lose. Please do not kill the goose that laid the golden egg. Thank you for your time. I sincerely hope these thoughts will help you come to a fair and appropriate decision."

Mr. Jon Apple, chairperson of the Park and Recreation Board, commented that many of the statements made by Mr. Wendig were feelings of the board, however some were his own personal opinions about different situations. Mr. Apple does not necessarily agree with Mr. Wendig's opinion concerning the results of the survey, but that is a personal difference between his interpretation and the other Park and Recreation Board members. Mr. Apple advised that the Park and Recreation Board did feel that the number of proposed playfields for the Forest Road Park should be reviewed and perhaps reconsidered.

Mrs. Jane James of the Park and Recreation Board heard all of the comments of the neighboring property owners at the last meeting and can empathize with their opposition to the six proposed playing fields. She did not realize those six playing fields were "written in stone" and believed that the original proposal was a very preliminary plan for consideration. As a citizen of Hilltown Township and a Park and Recreation Board

member, Mrs. James hopes that the Township can retain its rural flavor. There are some passive activities proposed for the Forest Road property, and Mrs. James would like to see the park contain something for every individual in the Township, both active and passive recreation.

Chairperson Bender thanked the Park and Recreation Board for all their thoughts and comments, and the work they put into their efforts.

Supervisor Bennington wished to clarify all he has heard this evening. There are two recommendations this evening – one is to spend the \$10,000.00 as previously budgeted for 2002 to continue working with Spotts, Stevens, and McCoy to prepare a comprehensive analysis of the property and a cost analysis; and one is that the playing fields for the Forest Road Park would be reduced by four soccer fields, with a recommendation for only a baseball field and a softball field, as well as all of the other passive recreation. Mr. Apple commented that the Park and Recreation Board did not make a motion as to how many playing fields the park should be reduced to. The Park and Rec. Board did not actually change their vote or what they are asking of the Supervisors, only to reconsider the number of originally proposed fields. Therefore, there is only one recommendation for the Board's consideration this evening, which is to authorize the continuation by Spotts, Stevens, and McCoy to prepare the comprehensive and cost analysis of the park property. Discussion took place.

Public Comment:

1. Mr. Steve Sterling of 9 Hayhouse Road appreciates the efforts of the Park and Recreation Board. His feeling from the February 14th meeting was the reason that the motion did not pass to change the recommendation was that the Park and Recreation Board felt the Supervisors minds could not be changed. Mr. Sterling believes that a traffic study should be conducted and the costs of future maintenance of the proposed park should be studied with those \$10,000.00 funds, rather than continuing with the analysis by Spotts, Stevens, and McCoy.

2. Mr. Terry Houck of Florence Circle feels that the original proposal by the Park and Recreation Board for this property was reasonable and fair. He felt that it addressed multiple concerns of the people, including walking trails, sports fields, and play areas, all professionally proposed in a people-friendly, natural setting. The Park and Recreation Board studied the needs of the community, surveyed the residents and made observation of recreational activities within the Township, and they were also sensitive to the neighbors by strategically placing sports fields that were shielded from existing homes. Mr. Apple seems to recognize that the Township has relied almost totally upon Deep Run volunteers to provide organized baseball, softball, soccer, and basketball opportunities to the Township's children and residents. Mr. Houck believes that the

population of Hilltown Township will continue to grow and that Deep Run's volunteer commitment is to continue to serve the residents of Hilltown Township and other families within the Pennridge School District. It has been necessary to rent adjoining acreage for playing fields, and Mr. Houck commented that there is no longer adequate space at Deep Run's current location. With proposed increased housing, additional field space is an urgent need. Mr. Houck feels that the neighbors of Deep Run have been tolerant of increased field and facilities use, but are opposed to lights, which would provide more field playing time without adding additional field space. These neighbors need and deserve some relief, and therefore, Mr. Houck stated that other areas within the Township need to provide a fair space for organized sports and recreational opportunities. Mr. Houck asserted that the residents of the Township, Township officials, parents, and children should be thankful and appreciative of Deep Run volunteers for all the organized recreational opportunities it currently provides. Mr. Houck attested that the modified Park and Recreation Board proposal does not meet the current or future needs of field playing areas, because the Township would still be relying almost totally on Deep Run's services, which currently has too much reliance on rented property to insure continuance of the Township's youth sports program. Mr. Houck does not feel that the Forest Road contingent has addressed the will of the people. Some indicated that they did not want the recreational fields because it will bring increased traffic, which Mr. Houck agreed was true. He understands why those neighbors would not want additional traffic, however as long as Americans continue to want to own private residential homes, Hilltown and other desirable areas will continue to have growth resulting in increased traffic. Mr. Houck stated that the Forest Road contingent trusted that the will of the immediate nearby residents reflected the Park and Recreation Board recommendations, which would eliminate or reduce the number of recreational fields, without offering any other feasible solutions to provide field space other than it is not the Township's concern, or that the children can go to neighboring Township's to play. Over 560 Hilltown Township families, and over 1,000 Hilltown Township children trust that Deep Run will continue to provide recreational fields, and that the Township will carry out the Park and Recreation Board mission in a fair and appropriate manner. Mr. Houck urged the Supervisors to support the original proposal and plan for the Forest Road Park, and urged that the Township place utmost importance in working collaboratively with Deep Run volunteers and neighboring municipalities to provide the needed recreational, social services within the community.

3. Mr. Al Rojinsky of 949 Callowhill Road owns property adjoining Deep Run, and agreed that they do badly require additional space. He does not want Deep Run to erect lights on their playing fields, and hopes that playing fields can be shared throughout the Township, not only in his back yard.

4. Mr. Al Laubmeier of 18 Hayhouse Road asked if a Traffic Impact Study would be conducted to address the proposed 380 space parking area. He noted that the

intersection of Forest and Quarry Roads is difficult, as is the intersection of Minsi Trail, Blooming Glen Road, and Hayhouse Road. If anything is done with those intersections, Mr. Laubmeier asked if land will have to be condemned and if so, how much. Mr. Laubmeier advised that there is currently a 4 or 5 ft. fence around the quarry perimeter, and asked what the Township will do to reduce its own liability and that of the quarry as well. Mr. Laubmeier stated that a small stream flows through the Forest Road property and he assumes that a wetland study will be done. If wetlands are found, he asked how much of it will be damaged or destroyed by the construction of the park. Another concern is whether or not the proposed site's parking lots and drives will be stone paved or macadam paved, and if they are macadam paved, asked if detention basins will be constructed to control stormwater. Mr. Laubmeier asked what hours of use will be imposed upon the new park and if snowmobiles or other off-road vehicle use will be permitted. Upon reviewing the proposed plan for the park, Mr. Laubmeier feels that it looks like a commercial plan, and he resents the Township constructing a commercial property in a residential zoning district.

5. Mr. Terry Carnes of Pinewood Lane questioned the Township's definition of "open space." He noted that active playing fields were not a high priority according to the recent survey taken by the Township. From what he understands, the survey results did not show that active play fields were a high priority. Across the street from Mr. Carnes' home is a 10-acre farm, and when he thinks of open space, he thinks of that farm. While he does not want a housing development in the area, he would also not support a commercial ball field with a 380-space parking lot. Mr. Carnes recognizes that the Supervisors have a difficult job ahead of them to determine how best to spend the Open Space funds, while continuing with the rural flavor of the Township. Mr. Carnes does not believe the construction of the Forest Road Park should have any bearing on whether or not Deep Run requires additional fields. Two of his children are registered in the Deep Run program and he supports that. However, he believes that the question is what to do with the taxpayers money to provide open space for Hilltown. If Deep Run has needs that are not being met, Mr. Carnes feels there should be some avenues to address that, however he does not believe using Open Space funds is necessarily the answer.

Supervisor Snyder wished to make it clear that no Open Space referendum funds were used in the purchase of the Forest Road property. Open Space funds did not exist when the property was purchased. Supervisor Snyder feels that Mr. Carnes comments concerning the use of open space funds, although well-intentioned and worthy of consideration, are not based in fact.

6 Mr. Dave Hulshizer of Hayhouse Road, does not recall ever being notified about the Forest Road Park proposal. He does not feel that placing so many play fields in one specific area is an advantage to all Hilltown residents. As a child, Mr. Hulshizer

would not have wanted to ride his bike five miles to play hall. If the Township wants to construct a ball field, he agrees with that, but noted that there are many other locations that could accommodate playfields scattered throughout the Township. Hilltown Township has owned the very large parcel at the intersection of Callowhill Road and Rt. 113 since 1985, but it has never been developed as a play field. Mr. Hulshizer is sure that there are other open space properties owned by the Township that could be developed as play fields that would not impact the traffic or the neighboring residents so heavily in any one area of the Township. This scenario would make it better and more convenient for each neighborhood to have recreational activities at their disposal without having to travel across the Township.

7. Mr. Richard Manfredi of Rickert Road has read a great deal about the Forest Road project and Deep Run Sports Association, as well as much commentary about the facts surrounding the proposal being made by the Park and Recreation Board. Mr. Manfredi feels it may be a logical conclusion that the playfields at the proposed Forest Road Park are being constructed for Deep Run. However, it was never Mr. Manfredi's understanding that what the Park and Recreation Board was doing was specifically for Deep Run and their private use. He believed that the Forest Road Park was to be a public park for anyone to use, and that Deep Run would be able to use it like anyone else could. Chairperson Bender agreed that Mr. Manfredi was 100% correct. Like the playfields at the Hilltown Civic Park and the Blooming Glen Playground, the Forest Road Park playfields would also be for use of all Township residents, as well as Deep Run, local church groups or other athletic organizations. All organized sports groups currently pay a nominal fee to use those playfields. Mr. Manfredi commented that the need for the number of playfields was not as a result of some sort of study or request from Deep Run. Supervisor Bennington stated that when the Forest Road property was first purchased, Deep Run had requested that the Township set aside 25 acres for their own use, but were denied. If Deep Run wishes to use any future playfields at the Forest Road Park or at the existing Civic Field Park or Blooming Glen Park, Supervisor Bennington noted that they will pay the per event fee and provide a completed application and security deposit, as is the case with any other organization. Supervisor Bemington commented that the Forest Road Park is not a Deep Run complex. It is Mr. Manfredi's understanding that the recommendation from the Park and Recreation Board is just the beginning of the process, and not the conclusion.

8. Mr. Ken Rush agreed that Deep Run's needs must be addressed, but he does not feel that it is the Township's responsibility to address them. If Deep Run solely served Hilltown Township, they would be totally in their rights to ask the Township to open their coffers, however that is not the case. If the development of the Forest Road property is indeed a ten-year plus project, Mr. Rush feels that the input of all Township residents should be taken into consideration prior to spending \$10,000.00 with Spotts, Stevens, and McCoy for an analysis study. Mr. Rush believes that the desires of the

entire community need to be heard in full. Mr. Rush encouraged the Supervisors to take the time to work on this proposal before spending funds for additional studies and analysis at this time.

Mr. Rush noted that Deep Run's website referred to the February 14th Park and Recreation Board meeting as a "Deep Run bashing," but he does not feel that was true. Certainly there was a concern at the meeting that a private organization was asking for public funds to further their own cause. He agreed with the point made by Supervisor Snyder earlier this evening was valid, and he feels that more clarity does need to be addressed. Mr. Rush feels that there is a true risk involved when violating the trust of the citizens of this community because it is not clear to Township residents how the Forest Road property was purchased – whether from Bucks County Open Space funds or the Open Space referendum funds.

9. Mr. Glen Moyer of Rt. 152 is a neighbor to this municipal building. Ten years ago, when the building was proposed, all of the neighboring residents were not enthused with the idea. However, the fact of the matter is that the Township has been a very good neighbor. Occasionally he hears diesel engines firing up and his view may no longer be of an open field, but Mr. Moyer commented that this is the way of the world; this is progress. Mr. Moyer wished to reassure the neighboring residents of the Forest Road property that the development of a park at that location will not be as bad as they fear at this time. Mr. Moyer does not feel that Deep Run should be perceived as a threat to the Forest Road property.

10. Mr. Hans Sumpf of 9 Beverly Road was encouraged to attend this evening's meeting by Mr. Ron Theis to express his opinions and concerns about the Forest Road property. Mr. Theis told him that in the past, he had requested field use for the Sacred Heart School and was given permission to use the Blooming Glen Playground softball field on a per event basis. Mr. Sumpf noted that the Blooming Glen softball field becomes a mud hole with a very small amount of rain, and because of that, Sacred Heart School's team decided to utilize playfields at Sellersville Borough for last year's season. Mr. Sumpf stated that there is a very real need for playfields by a number of organizations in this Township, and encouraged the Supervisors to not delay with the construction of additional, centrally located playfields.

11. Mr. Andy Leszczynski of Forest Road asked how many open space parcels the Township currently owns that could accommodate baseball or soccer fields. Mr. Lippincott replied that the Township owns property across Rt. 152 from this site that currently contains two soccer fields, and the 9-10 acre parcel at Rt. 113 and Callowhill Road could accommodate playfields as well. Many of the other open space parcels presently owned by the Township would not be suitable to playfields due to the terrain, the size, or the physical features of the parcels. Mr. Bob Wendig explained that the Park

and Recreation Board conducted an inventory of Township-owned properties several years ago, at which time there was anywhere from 15 to 24 properties. However, not all of those properties are suited for playfields as Mr. Lippincott noted.

Mr. Leszczynski understands that the Forest Road parcel was purchased prior to the Open Space Referendum tax, which was passed last year. He believes that the referendum, as it was presented to the residents, was to keep the Township in a rural character. To be quite honest, after viewing the park proposal, Mr. Leszczynski does not see how it could be considered "rural" in any way. He feels that the proposal as it stands is more of a sports complex than a park. Mr. Leszczynski agreed with statements made earlier by another resident that while there is a need for more playing fields, they should be spread throughout the Township. The taxpayers of this Township voted for open space, but Mr. Leszczynski commented he did not vote for the construction of a sports complex. If the Township is going to use the Open Space tax money for construction of the Forest Road Park, he believes there are some serious questions to be answered – such as what the residents actually voted for and what the end result is for this particular tax. Mr. Leszczynski urged the Supervisors to seriously consider the content of this park proposal, noting that people are not against a park itself, however they are against the content of the park, which they feel will not retain the rural character of this area.

Supervisor Bennington read the exact wording of the referendum as it appeared on the ballot, which states "Do you favor the imposition of an additional earned income tax at the rate of .25% by Hilltown Township to be used for the financing and acquisition of open space for the purpose of acquiring agricultural conservation easements, the purpose of acquiring property development rights, and for the purpose of acquiring recreational and historical lands?" Mr. Leszczynski asked what the Township defines as "recreation," which he feels is being misinterpreted in the public. In the Township survey, the results are clear that the majority of residents did not vote for active recreational space. Supervisor Snyder disagreed, and feels that the interpretation is very clear, and stated that the number that voted for both active and passive recreation far surpasses the number that voted for passive recreation only. Mr. Leszczynski suggested that if there is a misinterpretation of the results of that survey, another survey should be conducted, rather than spending a millions of dollars, either public or private, to develop a park. Chairperson Bender commented that the Forest Road property was not purchased with monies being collected under the Open Space Referendum. Further, as far as the cost being "millions of dollars," Chairperson Bender noted that this park will not be funded using taxpayer's dollars. In fact, individuals have volunteered to do fundraising to provide the money necessary to complete the park. Mr. Leszczynski commented that the monies used to purchase this property were Bucks County Open Space Funds, which in the end, came out of Township taxpayer's pockets anyway.

12. Mr. John Gillespie of 310 Moyer Road wondered how much it would cost Hilltown Township if Deep Run were to stop providing organized sports services. Supervisor Bennington replied that those children currently served by Deep Run for recreational activities would most likely approach the Township about providing a similar service. Mr. Lippincott explained that there are no requirements in the Second Class Township Code requiring a municipality to provide organized sports activities, even though the Code does allow the Township to raise taxes up to 24 mills for general services. However, if the Board of Supervisors wished to institute a recreational tax, there is no limit to how high the millage can be raised for that purpose.

Mr. Gillespie very much approves of the proposal to develop the Forest Road Park, and would be willing to trade his 5-½ acre property with anyone who borders on the Forest Road property because he would love to have that park in his back yard.

13. Mr. Mike Bright of 2416 Rickert Road suggested that the onus for recreational facilities be placed on builders. Supervisor Snyder replied that the Township has and does place the onus on the builders, however the Township has been roundly criticized for doing so.

14. Mrs. Jane James asked if Hilltown Township is a municipality. Chairperson Bender replied that it is. She thought a municipality was more urban, not suburban. Chairperson Bender replied that the word "municipality" is nothing more than a political designation.

Mr. Lupinacci advised that the recommendation for the Board's consideration this evening is to proceed with Park and Recreation Recommendation #01-05 for the cost of the continued planning of the Forest Road open space property by contracting the services of Spotts, Stevens, and McCoy, Inc. for Item A. – Overall Design Plan for the entire site at a cost of \$5,800.00, and Item B – Opinion of costs and phasing plan at a cost of \$4,700.00 as submitted to the Township Manager via correspondence dated November 8, 2001 from Spotts, Stevens, and McCoy, Inc.

Supervisor Snyder is thrilled to see the amount of residents present this evening, noting that the input received is very timely. She hopes that the residents do not have the feeling that their comments and concerns are too late, and that a decision has been made, or that the plans cannot be changed. At this point, Supervisor Snyder explained that the Township's effort to seek consultation with Spotts, Stevens, and McCoy is to prepare a plan and a phasing schedule so that the Township can consider the first step toward installation of a park. She encouraged those residents with reservations and concerns to continue to attend public meetings, to be involved in the planning process, and to express their opinions, because their input does have weight.

Supervisor Bennington is proud of his 21-year affiliation with Deep Run, as a coach, referee, umpire and volunteer. His three sons participated in Deep Run recreational activities where they learned a great deal of leadership and life skills. However, Supervisor Bennington wished to make it clear that this issue was never about Deep Run. The Forest Road Park proposal is for Hilltown Township residents, not for Deep Run alone. Supervisor Bennington commented that for people to insinuate Deep Run into the equation made a mockery of the whole system, which he feels was uncalled for.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to accept Park and Recreation Board Recommendation #01-05 to contract the services of Spotts, Stevens, and McCoy, Inc. for Item A – Overall Design Plan for the entire site at a cost of \$5,800.00 and Item B – Opinion of Costs and Phasing Plan at a cost of \$4,700.00 as submitted via correspondence to the Township from Spotts, Stevens, and McCoy, Inc. dated November 8, 2001. There was no public comment.

***8:35PM – PUBLIC HEARING** – The regularly scheduled Supervisor's meeting of February 25, 2002 was adjourned at 8:35PM in order to enter into the advertised Public Hearing to consider the adoption of an Ordinance amending the Subdivision and Land Development Ordinance No. 95-9, relative to major subdivision procedures/application requirements, lot configuration, residential subdivision access, street signage, sidewalks, standards, landscaping, and stormwater management.

Solicitor Grabowski advised that the proposed Ordinance was advertised in the Doylestown Daily Intelligencer, and has been reviewed by the Hilltown Planning Commission and the Bucks County Planning Commission.

Mr. Wynn explained the proposed amendments, as follows:

- Article I, Section 305, Major Subdivision and Land Development Procedures, paragraph 2.A (2) is revised to read as follows:
The application form shall be accompanied by the requisite fee as set forth in Section 302 of this Ordinance and by not less than four (4) copies of all required material and not less than seven (7) prints of the preliminary plans of the subdivision or development, or as amended by Township resolution from time to time, and thirteen (13) sets of the record plan reduced and presented on an 11" X 17" sheet. Reduced plan must be legible.
- Article II, Section 404, Final Plan (Record), paragraph 1 is revised to read as follows:
Upon completion of all conditions of preliminary and final plan approval, applicants shall submit two (2) clear and legible blue or black line prints

on mylar and five (5) paper prints of the Record Plan of Subdivision and/or land development including all sheets of the plan set. Major subdivision plan applications shall include a disk or compact disk of the record plan prepared on AutoCAD Version 14 or more recent edition.

- Article III, Section 504, Blocks and Lots, paragraph 2.D is revised to read as follows:
Lot lines intersecting street lines shall be substantially at right angles or radial to street lines from the street line to the rear lot line.
“Substantially at right angles” shall mean an intersection angle of not less than 80 degrees.”
- Article IV, Section 505, Streets – General, paragraph 18 is added to read as follows:
All new residential subdivisions or land developments containing twenty-five (25) dwelling units or more, or generating two hundred fifty (250) daily vehicle trips or more shall have a minimum of two public street accesses to/from existing public roadways. No residential subdivision or land development of 25 units or more shall be served only with a p-loop street, but shall include construction of a new through street.
- Article V, Section 506, Street Standards, paragraph 9, is added to read as follows:
Speed limit, no parking, and advisory signs shall be installed along new development streets in accordance with PennDot Regulations, and as required by the Township.
- Article VI, Section 513, Sidewalk, paragraph 4, is revised to read as follows:
The minimum width of all sidewalk and pedestrian paths shall be four (4) feet wide for residential developments and six (6) feet wide for commercial/industrial areas.
- Article VII, Section 513, Sidewalk, paragraph 5, is revised to read as follows:
Sidewalks shall have a minimum depth of four (4) inches and shall be placed on a four inch thick bed of PennDot 2B stone base. Concrete driveways, driveway aprons, and sidewalks that will provide access for vehicles shall have a minimum concrete depth of six (6) inches reinforced with wire mesh, and placed on a six (6) inch thick bed of PennDot 2B

stone base. All concrete shall be Class "AA", 3,750 psi, 28 day strength.

- Section 515, Landscaping and Street Trees, paragraph 1.G is revised to remove *Acer plantanoides 'Erectum'* – Erect Norway Maple.
- Section 516, Stormwater Management, paragraph 1.F is revised to read as follows:
Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of stormwater runoff from the 100-year return storm event based upon existing topography. Terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater runoff within any portion of the easement. Periodic maintenance of the easement to ensure proper runoff conveyance shall be required by the landowner.
- Section 518, Stormwater Management, paragraph 4, is added to read as follows:
HEC I and HEC II study shall be performed where it is necessary to determine the limits of the 100-year floodplain. Technical Paper No. 40, U.S. Department of Commerce, "Rainfall Frequency Atlas of the United States" and NOAA Technical memorandum NWS Hydro-35 shall be used to establish rainfall intensities for HEC programs.
- Section 517, Excavation and Grading, paragraph 16, is added to read as follows:
No area designated as open space shall be used for storage of construction materials, construction trailers, sales trailers, or parking; or to stockpile fill or topsoil material upon occupancy of 50% of the dwelling units within the development phase. Removal of such materials/construction items shall be designated within the construction staging plan.

Public Comment:

1. Mr. Jack McIlhinney on behalf of the Hilltown Landowner's Association expressed opposition to the proposed amendment of Article IV, Section 505, with regard to p-loop streets, because they do not feel it is to the benefit of the landowners or the

residents of the Township, and it is not in accordance with the Bucks County Planning Commission's national award-winning publication on p-loop streets, regardless of what has been said by Mr. Wynn in the past. Supervisor Snyder commented that the Township disagrees that this proposed amendment is not in accordance with Bucks County Planning Commission's award winning publication.

2. Mrs. Marilyn Teed of Mill Road asked if there is a written document that provides the reasons for these proposed amendments. She also objects to the proposed amendment to Article IV, Section 505, and stated that she prefers p-loop streets and cul-de-sac streets. Mrs. Teed believes that there must be accountability in the Township government and would like to know why things are done.

Supervisor Snyder suggested that Mrs. Teed review the minutes where these proposed amendments were discussed on numerous occasions. Mrs. Teed feels that there should be some sort of report or document that would list specific reasons why amendments are being proposed. Supervisor Snyder replied that the information Mrs. Teed seeks is found in minutes of the various meetings where these discussions take place. Mr. Wynn does not retain a "cause and effect" file on why each one of these amendments came about. He agreed that the proposed amendments are discussed at various times during various board/commission meetings, when they are written into a draft Ordinance that is then discussed, which is an evolution to what is being presented this evening. Some of these proposed amendment items go back to when the Subdivision/Land Development Ordinance was originally adopted in 1995. Usually discussions concerning various Ordinance requirements are mentioned during the course of a review of a plan. Solicitor Grabowski explained that there are Public Hearings held to discuss any proposed Ordinance amendments.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #2002-3, to amend the Subdivision/Land Development Ordinance of #95-9, relative to major subdivision procedures/application requirements, lot configuration, residential subdivision access, street signage, sidewalks, standards, landscaping, and stormsewer management.** There was no public comment.

***8:45PM – Chairperson Bender adjourned the advertised Public Hearing and reconvened the regularly scheduled February 25, 2002 Board of Supervisors Meeting at 8:45PM.**

2. Deep Run Valley Sports Association – Mr. Jon Kutzner, president of Deep Run Valley Sports Association, along with Mr. Dave Shafkowitz and Mr. Dan Paci, legal counsel, and Mr. Mike Raphael, architect for the applicant, were in attendance to present the plan.

Mr. Shafkowitz advised that Deep Run owns a property on Callowhill Road and Hilltown Pike, which is currently improved with what is defined in the Ordinance as a C-7 Private Recreational Facility. The parcel is owned by the Association, who also leases space from the adjoining property owner, Mr. Crawford. The property owned by Deep Run consists of approximately 16.5 acres and the property owned by Mr. Crawford is approximately 13 acres. The applicant is seeking a waiver of land development from Sections 305.2 and 403 of the Subdivision/Land Development Ordinance, as well as a waiver of the fees associated with any land development application, building permit fees, and stormwater management application and fees. If found to be exempted from the Stormwater Management Ordinance, there is potentially a stormwater management donation fee that Deep Run is also seeking waiver of. Mr. Shafkowitz noted that the proposal was recently before the Zoning Hearing Board and received some relief from buffers and setbacks off the Crawford property. Deep Run is proposing five new buildings, including a girl's softball press box consisting of 528 sq. ft., a girl's softball pavilion consisting of approximately 648 sq. ft., two dug-outs for the senior boy's baseball field consisting of 240 sq. ft. each, and a senior boy's press box consisting of 240 sq. ft. Mr. Shafkowitz characterized the proposed new structures as accessory to their primary use as a private recreational facility of approximately 1,932 sq. ft. There are several other small structures, dugouts and press boxes that currently exist on the site. Some preliminary review of stormwater management has been submitted to the Township by Bohler Engineering, who reached the conclusion that none is needed. Deep Run would be more than willing to submit a stormwater review application for Mr. Wynn's review if the Board would consider a waiver of those associated fees.

Supervisor Bennington recalls that the Souderton Baseball League using Romanowski Field in Hilltown Township proposed the same type of configuration for land development, and the Supervisors granted a waiver of fees for land development for that proposal. Mr. Lippincott confirmed that the Supervisors did waive land development and fees, however Souderton Baseball League was required to establish an escrow in the amount of \$500.00 for land development fees, building/zoning fees, and any other associated costs to the Township. Mr. Lippincott noted that Deep Run has already established an escrow for use as they go through the Zoning Hearing Board process and all other expenses that Township has been expending for Deep Run's proposal.

Public Comment:

1. Mr. Walter Drill of 2515 Hilltown Pike, a neighboring property owner, would like to make the Supervisors aware of a major runoff problem from Deep Run, which currently sheet flows across Hilltown Pike and floods his property during heavy rains. Mr. Kutzner advised that the entire site was reviewed by Bohler Engineering for stormwater issues, who advised that what is presently being proposed will not increase

the runoff. If and when Deep Run proposes additional paved parking, stormwater management will have to be addressed again. Discussion took place.

2. Mr. Steve Sterling asked the monetary amount of the waiver being requested by Deep Run, and noted that just because the Township waived fees for the Souderton Baseball League in the past, does not mean that it was right or that they should continue to do something that may have been wrong. Mr. Sterling wondered why the Township would not consider a waiver of fees for the Pennridge School District for the Seylar Elementary School. Mr. Sterling believes that private should remain private, and public should remain public. He does not feel that the municipality should support a private organization, no matter how much the Supervisors feel that Deep Run is supporting the community, since it is still a private organization.

Supervisor Bennington felt it was an incorrect assumption on Mr. Sterling's part that what the Supervisors did for Souderton Baseball League was wrong.

3. Mr. Andy Leszczynski asked what the Township's basis was for waiving Souderton Baseball League's land development fees. Supervisor Snyder replied that the Supervisors felt it was inappropriate to reap monetary gain from the children of Hilltown Township. Chairperson Bender commented that the Supervisors have complete latitude in this type of policy decision.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant waiver of Subdivision/Land Development submission and fees, building/zoning permit fees, and stormwater management application fee and capital contribution fee to the Deep Run Valley Sports Association's proposal as discussed this evening, with the continuing use and replenishment of the existing \$500.00 escrow. There was no public comment.

Mr. Kutzner requested that the building permit be issued as soon as possible. Since Hilltown Township's Building Inspector is on vacation this week, the Supervisors will make use of East Rockhill Township's Building Inspector via an existing building inspection back-up support arrangement, to expedite the permit process. Discussion took place.

3. Mr. David Shafkowitz – Equestrian Court Subdivision Request – Mr. Shafkowitz advised that the Township recently granted conditional preliminary approval to the Equestrian Court Subdivision located on Mill Road. One of the conditions of approval required the applicant to conform to the lot line requirements of the Subdivision/Land Development Ordinance. There is a lot line shown on the preliminary plan, which was not perpendicular to the street. Specifically, a 108 ft. discrepancy was shown on the plan due to the existence of an on-lot septic system. The Supervisors had

required the applicant to show compliance with this provision. In response to this requirement, the applicant was scheduled to have a new septic site located and tested. If the site is suitable for septic it may allow us to reconfigure the lot line. However, the applicant's soil scientist cannot conduct the test until February 28, 2002. Additionally, the Health Department would be unable to verify the test until sometime thereafter. Therefore, the applicant will not be able to determine whether an appeal would be necessary until after the applicable time period expires. Mr. Shafkowitz presented a written 30-day extension of the appeal period for the Equestrian Court Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant a 30-day extension of the appeal period for the Equestrian Court Subdivision, as noted above. There was no public comment.

Public Comment:

1. Mr. David Boice of 2033 Mill Road, whose property is located at the corner of Rt. 152 and Mill Road, expressed his objection to this proposed development. He understands that the plan proposes the widening of the roadway at Rt. 152 and Mill Road, which will adversely affect his private property. Further, there is a sidewalk proposed along his property as well. Mr. Wynn explained that the plan proposes widening only along the frontage of the site on Mill Road, and that the applicant has agreed that there is not enough room at the intersection with regard to the right-of-way. Mr. Boice mentioned the existing problems at the intersection with turning radius, and Mr. Wynn agreed, noting that it cannot be rectified unless Mr. Boice is willing to grant right-of-way to do those improvements. Mr. Wynn commented that the plan was not conditionally approved with any roadway widening at the intersection, but it was approved with the condition that the developer is obligated to pay the cost to extend the sidewalk along the frontage of Mr. Boice's property to the Civic Field Park, provided Mr. Boice grants the Township right-of-way, which hasn't yet occurred. Once a sidewalk was constructed, Mr. Boice asked if there would be a new right-of-way established. Mr. Wynn replied that the sidewalk would most likely be within an easement. Mr. Boice wondered when the applicant might request this right-of-way for the sidewalk from him. The applicant would be approaching Mr. Boice within the next month to make a request for right-of-way. Mr. Boice intends to reject this request because it would take a large chunk of his property.

Mr. Boice is also concerned about the runoff from the proposed subdivision. Mr. Wynn explained that the applicant requested and was granted a waiver from the depth of the detention basin provided the basin is fenced. Supervisor Snyder commented the waiver was granted because the depth of the basin would facilitate more runoff that might flow toward Mr. Boice's property. Mr. Wynn noted that the runoff actually flows the opposite way down Mill Road, not toward Mr. Boice's property.

Discussion took place concerning sidewalk. Mr. Wynn explained that the applicant requested a waiver of sidewalks along Mill Road, however the Planning Commission had noted that children from the development would walk to the Civic Field, and therefore, recommended denial of waiver of sidewalks along the frontage on Mill Road. Sidewalks will be provided within the development itself.

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

1. With the Governor calling a drought emergency last week, Mr. Lippincott recommended that a ban be placed on open burning in Hilltown Township until further notice.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to place a ban on open burning in Hilltown Township until further notice. There was no public comment.

2. Mr. Buzby and Mr. Lippincott recommend the hiring of Mr. James Passerini to the Hilltown Township Public Works Department.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to authorize the hiring of Mr. James Passerini to the Hilltown Township Public Works Department effective March 11, 2002. There was no public comment.

3. The Bucks County Planning Commission has submitted a copy of the Blooming Glen High School National Register Application to the Township. If approved by the National Register, the Township will be able to use Community Development Block Grant funding to repair and restore the former municipal building. A copy of the application is available for inspection here at the Township building during normal business hours.

4. Bids were opened today at 1:00PM for a 2002 39,000 GVW Dump Truck (Bid #2002-2). Bid results are as follows:

Bergey's	\$76,939.57
Horwith Trucks Inc.	\$77,456.00

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the bid from Bergey's for the 2002 39,000 GVW Dump Truck, Bid #2002-2, in the amount of \$76,939.57. There was no public comment.

5. The Perkiomen Watershed Conservancy has provided the Township with the first of its new video series "Managing Our Water Resources: Stormwater Best Management Practices." The series consists of 8 videos, each dealing with a specific stormwater Best Management Practice. Each municipality will receive four copies of every video, approximately 5 to 8 minutes in length. The videos will be available for viewing to municipal employees, volunteers, and local citizens. In addition, the entire series can be viewed online along with further information about the topics at www.greenworks.tv/stormwater/index.htm. The first of the series is entitled "Naturalized Basins." The Perkiomen Watershed Conservancy hopes to schedule a time to present the video at an upcoming municipal meeting.

6. Calvary Church is requesting a staff sketch review of a proposal for an additional access to Bethlehem Pike at Central Avenue. The applicant has provided the required \$500.00 escrow for this review.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to authorize the staff sketch plan review for the proposed access to Bethlehem Pike at Central Avenue for Calvary Church, with the \$500.00 escrow as specified. There was no public comment.

7. Correspondence was received today from Mr. Jack Fox concerning the Community Development Block Grant Funding that was awarded to the Hilltown Historical Society for the Hartzell Strassburger building.

Mr. Fox advised that the roofer who won the bid on the slate roof on the library building at the Hartzel Strassburger Homestead found some damage while attempting to remove the existing roof. Apparently the slate had rotted away and several roof rafters had split and rotted. The roofer quoted \$2,500.00 of additional funds at a minimum to repair this problem. The new roof cannot be installed without this work first being completed. Mr. Fox noted that of the funding originally given to the Historical Society, \$2,980.00 is remaining. He is seeking authorization to proceed with the \$2,500.00 estimate to repair the damage, which will leave a balance of \$480.00. Discussion took place.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to grant the request of the Hilltown Historical Society for additional repair of the Hartzel Strassburger Homestead library building in the maximum amount of \$2,500.00, pending verification by the Office of Community Development; and if sufficient funds are not available, the Historical Society will provide the necessary additional funding. There was no public comment.

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

1. Correspondence dated February 13, 2002 was received from PennDot concerning the Diamond Street/Fairhill Road intersection. A study was conducted to determine if multi-way stop signs could be installed at this intersection with the following criteria used as justification:

- As an interim measure while arrangements are being made for the installation of a traffic signal.
- When a crash problem is shown by the occurrence of five or more reportable crashes happening in any 12 continuous months within the last three years.
- Traffic volumes.
- When the corner/stopping sight distances are restricted and cannot be improved.

Based on the Engineering/Traffic Study that was conducted at this intersection, PennDot determined that the installation of stop signs on Diamond Street could not be justified due to the following reasons:

- There was no record that a traffic signal was approved for this intersection, therefore this justification does not apply.
- According to the State's Accident Record Systems, there were seven reportable crashes happening at or approaching the intersection between January 1998 and September 2000, of which four occurred within the 12 month time frame. This does not meet the criteria of five reportable crashes needed to justify multi-way stop signs.
- The average daily traffic volume recorded using Diamond Street is less than 5,000 vehicles per day. Based on PennDot's observation, the minimum traffic volumes entering the intersection from all approaches per hour for any eight hours of an average day would not meet the minimum traffic volumes to justify a multi-way stop installation.
- During PennDot's on-site investigation, they observed the corner and stopping sight distances. The only obstructions found affecting the corner and/or stopping sight distances were pine trees located in the southeast corner along Diamond Street, which limit the sight distance for drivers when exiting Fairhill Road. At the time of the field survey, it was determined that these trees are beyond the State's right-of-way and their trimming or removal is the responsibility of the property owner.

Mr. Lippincott noted that a letter has been sent to the property owner advising of his liability and responsibility for the pine trees.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road suggested that instead of removing the pine trees, the dogleg in the road be straightened to address sight distance problems. Discussion took place.

2. Mr. Chuck Kulesza of Diamond Street suggested that the Township take jurisdiction of Diamond Street through PennDot's Turnback Program, as was done with Fairhill Road in the past. It appears to Mr. Kulesza that anytime discussion takes place concerning this roadway, the Township's response is always that nothing can be done because it is a State Road. Mr. Kulesza reminded the Supervisors that the Township has the option to assume maintenance responsibility for State roads, and feels that it should be considered for portions of Diamond Street, perhaps from Rt. 113 to Hilltown Pike, for example, which he believes would be cheaper for the Township. Mr. Wynn advised that the requirements for installing speed limits or multiple stop signs are the same whether the Township or PennDot has jurisdiction over the roadway. Those warrants cited in the PennDot letter refers to either State roads or municipally-owned roads. If straightening a State roadway, the first thing PennDot does before beginning an investigation is to obtain confirmation from the Township that they would be willing to acquire any necessary right-of-way on behalf of the State.

PennDot had advised Mr. Kulesza that the main problem they experienced when they came to the site to conduct a study of the intersection was the lack of speed limit enforcement on Diamond Street by the Township. The PennDot representative Mr. Kulesza spoke to commented that vehicles were routinely traveling at 15 to 20 m.p.h. over the speed limit. Mr. Kulesza felt that if the Township took over Diamond Street, they would have more latitude as far as enforcement goes, and they could also set the speed limits themselves.

Mr. Kulesza does not recall that PennDot's letter suggested that the Township contact the property owner and ask him to remove his trees. Mr. Lippincott explained that the Township Engineer felt the property owner, for liability sake, should be notified of the regulations and requirements as set forth by PennDot. Mr. Wynn advised that PennDot's letter indicated the obligation of the property owner to maintain the sight distance. Mr. Kulesza was upset that the Township told the property owner to cut his trees down. Mr. Wynn replied that the Township did not tell the property owner to remove the trees, a letter was merely sent to the property owner to make them aware of the PennDot letter and their responsibilities with regard to sight distance.

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

1. Solicitor Grabowski advised that the Zoning Hearing on the Telvil matter is scheduled for March 28, 2002 for the site located on Rt. 113 across from Calvary Church.

2. Closing was held on the Levitties property on February 15, 2002. The County program provided a portion of funds to pay for that purchase. The deed has been recorded, and Hilltown Township is now the proud owner of the property on Frontier Road.

3. Discussion took place at last month's meeting concerning the possible proposed change to the Zoning Ordinance to the A-2 Nursery Use. Solicitor Grabowski has prepared an appropriate Zoning Ordinance amendment that has been forwarded to the Bucks County Planning Commission for their review.

4. For information purposes, a Zoning Hearing was held concerning the Car Sense matter. There is a very specific and narrow issue about the possible use of land on Rt. 309 and the ramp road near Peruzzi Toyota. Peruzzi owns the property and PennDot has an easement over the property that they acquired many years ago. The applicant for Car Sense has argued that he has the ability to erect his sign on the Peruzzi property by use of the PennDot easement. This appeal was denied by the Zoning Hearing Board. Mr. McGowan of Car Sense filed an appeal to Bucks County Court. The Peruzzi family will be defending the decision of the Hilltown Zoning Hearing Board in this matter since it involves their land. Since this matter involves two private property owners, Solicitor Grabowski does not believe that the Township should be involved in this private matter.

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

1. Wietecha Subdivision – This minor subdivision located on Mill Road was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to the following conditions:

- Waivers requested from Sections 505, 506, 512, and 513 of the Subdivision Ordinance relative to street improvements and waivers from Section 511.2 to allow the existing driveway to be utilized as shared driveway were recommended for approval.
- Proposed driveway easement must be recorded in a manner acceptable to the Township pursuant to the order of the Zoning Hearing Board.

- Lot #2 must comply with requirements of the Stormwater Management Ordinance relative to the construction of the proposed dwelling.
- Fee-in-lieu of recreational land dedication must be contributed to the Township pursuant to Article VII of the Subdivision Ordinance.
- Planning Modules for proposed on-lot sewage disposal must receive approval from PADEP unless waived by PADEP.
- Disturbed iron pin proposed to be replaced with a concrete monument must be accomplished prior to plan recordation.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant preliminary/final plan approval to the Wietecha Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's January 14, 2002 engineering review as noted above. There was no public comment.

2. Home Depot – The applicant was not present.

3. Hatter Subdivision – The three-lot subdivision located at the northwest corner of Callowhill Road/Broad Street was unanimously recommended for preliminary/final plan approval by the Planning Commission subject to the following conditions:

- All waivers requested by the applicant within correspondence dated January 28, 2002 from Cowan Associates, Inc. were recommended for approval noting that the waiver request from Section 516 – Stormwater Management, is not applicable as plan has been revised to comply with this requirement.
- Completion of all outstanding items as contained within the February 8, 2002 engineering review, including a fee-in-lieu-of recreational land as discussed within Item #10 of the review.
- At the Planning Commission meeting, the applicant, requested the Township consider a fee-in-lieu-of grading improvements at the intersection of Callowhill Road and Broad Street as proposed on the plan. The Planning Commission advised that a in-lieu-of this work, with the anticipation that the work would be completed by Township Public Works Department, is a matter that must be requested of the Board of Supervisors.

Mr. Wynn explained that the roadwork involved at the Callowhill Road/Broad Street intersection involves a slight widening of the paving radius of the road, along with the removal of the bank and a stump at the intersection. At this time, trucks are turning and cutting the corner shorter because the radius is a bit tight heading toward the quarry. The plan proposes to cut down the bank. This is work that the Public Works Department could accomplish, however Mr. Buzby has not yet been advised of the proposal and if the road crew's schedule could permit the work at this time.

Public Comment:

1. Mr. Jack McIlhinney of Broad Street asked why the Township did not request a fee-in-lieu of sidewalks, which were waived for this project. Mr. Wynn does not know why a fee-in-lieu of sidewalks was not recommended by the Planning Commission. It is Supervisor Bennington's opinion that if a waiver of sidewalks is granted, a fee-in-lieu of should be paid, and he agreed that there should be a uniform policy for this requirement. Supervisor Snyder believes that the Comprehensive Plan Task Force has suggested that a policy be made so that the Planning Commission will have guidelines in terms of when to request sidewalks and when to request fees-in-lieu of. Discussion took place.

2. Mrs. Marilyn Teed of Mill Road commented that this would be another way to use the information that she has previously requested, by gathering and using that data to make conclusions. For instance, she had previously requested certain information from the Township building, and was told that there was no list kept of what kinds of information is tracked, and she wonders how the Supervisors can arrive at any conclusions and support their decisions if records of this information is not kept.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to grant preliminary/final plan approval to the Hatter Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated February 8, 2002, and contingent upon the Director of Public Works approval as to whether or not the Township, at the expense of the developer, will complete the improvements at the intersection as specified above. There was no public comment.

4. Car Sense Land Development – The applicant was not present.

5. Blaxall Lot Line Adjustment – The lot line adjustment subdivision plan was recommended for preliminary/final plan approval (6-0-1 with Betty Snyder abstaining) subject to the following:

- Waivers requested from street improvements (Sections 505, 506, 512, and 513) and lot line configuration (Section 504.2.D) of the Subdivision Ordinance are recommended for approval.

- A note must be included on the plan alerting any future property owner of Lot #5 of their requirement to comply with the Stormwater Management Ordinance #2000-5 adopted on May 22, 2000, upon application of building/zoning permit for dwelling construction.
- Proposed concrete monuments must be installed and certified in writing by the responsible surveyor prior to plan recordation.

Supervisor Snyder recused herself from voting on this issue since she is a neighbor and a personal friend of Mrs. Blaxall.

Motion was made by Supervisor Bennington, and seconded by Chairperson Bender to grant preliminary/final plan approval to the Blaxall Lot Line Adjustment, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated February 11, 2002. There was no public comment.

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

1. Pedestrian Path – A tabulation of bids (Bid #2002-1) received on February 21, 2002 for the proposed pedestrian path is as follows:

<u>Bidder</u>	<u>Total Base Bid</u>	<u>Total Base Bid & Alternate</u>
- Ply-Mar Construction Co.	\$139,660.50	\$145,045.50
- Terence Froman, Inc.	\$165,560.00	\$174,590.00
- S&H Landscaping Contractor	\$189,577.00	\$193,992.00
- Chris Gall Construction	\$198,414.60	\$201,414.60
- Associated Paving Contractors	\$199,741.00	\$209,407.00
- Robert G. Ciccone	\$209,038.00	\$213,888.00
- Grace Industries, Inc.	\$232,543.60	\$240,758.60

The pedestrian bike path is proposed to be constructed from Orchard Road through the former Orchard Glen Subdivision open space, which is owned fee-simple by the Township, and through Township-owned open space within the Pleasant Meadows Subdivision. The path will travel from Orchard Road across Steeplebush Drive, and around the rear of Pleasant Meadows to where the Hilltown Authority well is located. Bids and specifications were prepared in accordance with and approved by the Keystone DCNR Grant Fund. Mr. Wynn recommends that the base bid plus the alternate be accepted, which would provide for jute netting on the steeper slopes.

Public Comment:

1. Mr. Jackson Teed of Mill Road asked the length of the proposed path. Mr. Lippincott replied that it is approximately 3,000 to 4,000 feet.
2. Mr. Hans Sumpf of 9 Beverly Road asked where the path will eventually go. Mr. Lippincott replied that the path will eventually connect to the Perkasic Borough walking trail.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to award Bid #2002-1 for the Pedestrian/Bike Path to Ply-Mar Construction Co., Inc. for the total base bid and alternate in the amount of \$145,045.50, subject to receipt of the performance and payment bonds, insurance certificate, and verification from the Keystone DCNR Grant Fund. There was no public comment.

2. CVS Land Development – Improvements required by the CVS Land Development Plan and Financial Security Agreement have been accomplished. Mr. Wynn recommends acceptance of the required improvements and commencement of the 18-month maintenance period.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to accept the required improvements and commencement of the 18-month maintenance period for the CVS Land Development. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road advised that at a previous Planning Commission meeting which she was unable to attend, there was discussion about changing the Agricultural zoning from 3% to 9%, and also the introduction of some language for a possible I17 use. She requested a copy of this proposed information from Mr. Lippincott and was told that there was no such document. Mr. Lippincott explained that he has not yet received any draft document from the Planning Commission concerning the proposed Ordinance amendment, and therefore, cannot produce a document that he does not yet have. He prepared a memo to the Planning Commission of what his suggestions for the I17 Use would be, but to his knowledge, the Planning Commission hasn't prepared a draft document at this time. As soon as the draft is completed, Supervisor Snyder advised that it would be available for Mrs. Teed's perusal. Mr. Wynn explained that discussion about these issues took place at a Planning Commission worksession, where the members considered some language for an I17 use,

but it was merely initial preliminary discussions. Mrs. Teed would like a copy of Mr. Lippincott's memo to the Planning Commission. Mr. Lippincott explained that he did not write the draft I17 Ordinance, which is what Mrs. Teed requested. Discussion took place.

2. Mr. Jack McIlhinney of Broad Street was present at the Planning Commission worksession meeting where the proposed I17 use was discussed, and agreed with Mrs. Teed that a memo from Mr. Lippincott was discussed, which the public was not privy to.

Solicitor Grabowski reminded Mrs. Teed and Mr. McIlhinney that when a draft amendment is completed, it will be available to the public. A suggestion may be made via memo to the Planning Commission by Mr. Lippincott, Mr. Wynn, Solicitor Grabowski, or even a Supervisor for a draft amendment, however until the Planning Commission discusses and reviews the suggestion, no working "draft" document is produced. Mr. McIlhinney believes that the public should be entitled to copies of the memos that are given to the Planning Commission. Solicitor Grabowski took issue with that statement, and noted that it would depend on the subject matter of the memo, which may be very sensitive from a legal standpoint. While Solicitor Grabowski has not seen Mr. Lippincott's memo, he would caution the Board of Supervisors against releasing copies of all memos to the public, depending on what information they may or may not contain. Mr. McIlhinney disagreed, noting that if a memo is sent to a board for discussion at a public meeting, the public should be entitled to review that memo. Supervisor Snyder commented that not every memo that circulates in the Township is kept forever.

Chairperson Bender directed Mr. Lippincott to provide Mrs. Teed with a copy of the I17 memo that was sent to the Planning Commission.

3. Mr. John Gillespie of Moyer Road recently refinanced his property and discovered that at the time his mortgage was paid off, the County had a lien on his property with the original address, prior to the Township changing street addresses in 1997 to update the 911 emergency system. Mr. Gillespie asked if the street addresses were changed by tax parcel number or by street address. Mr. Lippincott replied that in 1997, street addresses were changed by tax map parcel number, not former street addresses, and Bucks County was copied on each of those street address changes. Solicitor Grabowski commented that when refinancing takes place and title insurance companies are involved, they normally go by the deed book and page number and the tax map parcel number. If, for some reason, a title insurance company used a street address, it is somewhat unusual.

4. Mr. Jon Kutzner of Deep Run thanked the Board of Supervisors for their support this evening. For clarification, he noted that the largest number of children

participating in Deep Run's programs are 1,000 children from Hilltown Township, with 265 children from Bedminster, which represents the second largest number of children. Throughout the process, Mr. Kutzner has heard about the "public/private partnership" and how public should remain public and private should remain private. He has been reminded quite frequently of the public/private arrangements that have been made with athletic associations in surrounding communities. Mr. Kutzner does not believe that Deep Run has ever requested anything that has not been done in other communities. While Deep Run is certainly a private organization, Mr. Kutzner noted that it does cross over into the public arena. For instance, Deep Run is presently entertaining discussions with the public school system who wants to use Deep Run's sports fields for games and practices throughout their school renovations. Therefore, once again, the private/public venture comes into play. Mr. Kutzner stated that there is a great deal of misinformation circulating in this Township, which he believes is why there was such public backlash against the proposed Forest Road Park, and Deep Run's supposed involvement with it. Discussion took place.

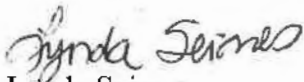
L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington commented that a member of the Board of Supervisors in Plumstead Township recently received a threatening telephone call targeting her and her family, and he emphasized that if a similar incident happens in Hilltown Township to any of the Supervisors, volunteer board members, staff, or employees, Hilltown Township will prosecute to the fullest extent of the law.

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

N. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the February 25, 2002 Hilltown Township Board of Supervisor's meeting was adjourned at 10:33PM.

Respectfully submitted,


Lynda Seimes
Township Secretary