

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 28, 2003
7:30 PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Betty P. Snyder at 7:30 p.m. and opened with the Pledge of Allegiance.

The following were also present:

- Kenneth B. Bennington, Vice-Chairperson
- John S. Bender, Supervisor
- Gregory L. Lippincott, Township Manager
- Francis X. Grabowski, Township Solicitor
- C. Robert Wynn, Township Engineer
- Christopher Engelhart, Chief of Police

Absent: Lynda S. Seimes, Township Secretary

Chairperson Snyder announced that the Board met in Executive Session prior to this meeting in order to discuss legal issues related to the stormwater management lawsuit and real estate matters.

Public Comment on Agenda Items Only None

Approval of Minutes: On motion of Supervisor Bennington, seconded by Chairperson Snyder, the minutes of the worksession were approved as submitted. This motion was passed by a vote of 2 to 0. There was no public comment.

Approval of Current Billing: Chairperson Snyder presented the bills dated July 13, to July 25, 2003 with a due date of July 29, 2003 as follows:

General Fund	\$363,615.43
State Highway Fund	\$ 1,407.46
TOTAL ALL FUNDS:	<u>\$365,022.89</u>

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors approved the bills list dated July 13, 2003 to July 25, 2003 in the total amount of \$365,022.89, subject to audit, as submitted. This motion passed by a vote of 3 to 0. There was no public comment.

Confirmed Appointment: Mrs. Alice Kachline was present to address the Board of Supervisors as a member of the Board of Directors of the Pennridge Senior Center. She explained that there were brochures at the back of the meeting room for residents who wished more information on the Pennridge Senior Center. The purpose of her presentation was to bring the Board up-to-date concerning the activities of the Pennridge

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Senior Center. She explained that currently the Pennridge Senior Center has reached approximately half of their financial goal; however, while the land which is located in Silverdale is owned by the Center, a mortgage cannot be obtained because the Center has no monthly income. She explained that Senior Centers in other areas are owned by large municipalities while the Pennridge Senior Center consists of nine municipalities none of which are willing to assume ownership. The plans for the Pennridge Senior Center are such that the center will be available to the entire community, not just the senior population, and receptions, etc. can be held at the facility. The current facility is not viable for a number of reasons, including but not limited to a lack of parking and the fact that it does not comply with the current handicap accessibility regulations. Ms. Kachline told the Board that currently there are 535 members and it is expected that this number will double when the new facility is completed.

Ms. Kachline suggested that when a developer submits a plan for a 55+ age restricted community to a municipality that at the development planning process the developer be asked to make a contribution per unit because the availability of the new center would be an enticement for the people to purchase in the 55+ development

Recently a mailing was sent out to all the businesses in the Pennridge area with the goal of raising money for the Center; however, this did not raise as much money as was anticipated.

Ms. Kachline explained that funds have been received by way of grants from Kathy Watson, Paul Clymer and Joe Conti.

She said that she hopes everyone becomes a senior citizen because the other alternative is not very appealing.

Supervisor Bennington expressed his concern, which he has previously expressed to other members of the Board of the Pennridge Senior Center, specifically what plan does the Center have to get the rest of the money? He said that each municipality has given approximately \$36,000 and there does not appear to be any plan to get the rest of the money to build the facility.

Ms. Kachline said that this is a big concern to the members of the Board. She said that she believes the only way this project can be finished is if each municipality is willing to commit a specific dollar amount monthly to pay the Center's mortgage payment.

Supervisor Bennington asked why a municipality would contribute any more money since they have already contributed to this project in a lump sum contribution of approximately \$36,000 and it is not being used.

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Ms. Kachline said that if the Center had a firm commitment of monthly funds from municipalities it is her understanding that the bank will then lend the Center the necessary funds to build the building.

Supervisor Bennington asked Ms. Kachline why they not use the funds that they have collected which is about \$900,000 and scale down the building and build now with the plan to expand later as funds become available.

Ms. Kachline responded that she believes the building has already been scaled down. She agreed that they have half the necessary money and it is a shame to not be able to build now but reiterated that the only way they can secure a mortgage is to have a commitment of monthly income.

Supervisor Bennington stated that he does not believe the Center will get that kind of commitment from the nine municipalities involved. Supervisor Bennington asked why the land could not be used as collateral for the mortgage since the Senior Center owns the land free and clear and use the money that they have for monthly payments until other money is raised. He asked Ms. Kachline to ask these specific questions because this Board needs answers before they will consider making any further contribution. He suggested that she go to Mr. Hollenbach at First Savings because he is very community oriented and ask if they would consider giving the Senior Center a mortgage.

Supervisor Snyder asked what kind of monthly commitment would be required.

Supervisor Bennington, asked the following questions concerning earned income tax:

1. Why are occupation tax bills still being generated?
2. He received a bill for 2003 – 2004 for someone who no longer lives in the home and asked how this can be resolved?

She explained that the per capita tax was not taken away; however the occupation tax was removed because it was an unfair tax, based on the title of your job, not your income. The reason it says occupation on your bill is because when the school district printed the bills someone forgot to take off "occupation". Further, Ms. Kachline said that the tax bill must be returned stating the date that the person moved and the current address.

Manager's Report: Mr. Lippincott requested a motion to authorize the advertisement of the vacancy on the Board of Supervisors due to Supervisor Betty P. Snyder's resignation:

On motion of Supervisor Bennington, Seconded by Supervisor Bender, the Board of Supervisors authorized the advertisement of the vacancy on the Board of Supervisors and Planning Commission due to Mrs. Snyder's resignation: This motion passed by a vote of 3 to 0.

Mr. Lippincott explained that on August 11, 2003 after the Board of Supervisors meeting there will be an open house at the Township Municipal Garage with refreshments.

Correspondence: Mr. Lippincott referred the Board to a letter from PennDOT in response to the Township's request of July 17, 2003 on behalf of the Hilltown Volunteer Fire Company, to install Fire Station/Emergency Vehicle Entrance signs at the two fire station locations in the Village of Line Lexington and near the Village of Hilltown. PennDOT has reviewed both locations and provided concurrence for the Township to erect and maintain two signs at the approach of both locations.

Solicitor's Report.

Calvary Church of Souderton: Mr. Grabowski directed the Board to the land development agreements with Calvary Church of Souderton. He explained that this is a project where the Church is going to construct a second separate driveway from the church premises out to the old Route 309 to help link up with the improvements that are being constructed on old Route 309 and Central Avenue. The Church has submitted the Land Development Agreement and Financial Security Agreement. Mr. Grabowski explained that the required escrow for \$229,367.21 been escrowed with Univest National Bank & Trust Company. In addition, there is a road frontage easement which is being offered to the Township which the Board can approve in a second action in the form of a Resolution.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to approve the Financial Security Agreement and the Land Development Agreement of Calvary Church of Souderton. This motion passed by a vote of 3 to 0.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to adopt Resolution 2003-27 for declaration of road funds for an easement from Calvary Church of Souderton for a road frontage. This motion passed by a vote of 3 to 0.

Weidner Subdivision Project (Hilltown/East Rockhill Township): Mr. Grabowski explained that most of the property in this subdivision is in East Rockhill Township but two of the lots are in Hilltown Township. There are improvements and infrastructure requirements of the approved plan that require an escrow by the developer, Heritage Construction by way of a partnership entitled Heritage Country Hunt. The amount of escrow required for the Hilltown portion is \$112,807.81 and that has been escrowed through Quakertown National Bank.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to accept the Subdivision Agreement and the Financial Security Agreement for the Weidner Subdivision. This motion passed by a vote of 3 to 0.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to accept the miscellaneous easements for the Weidner subdivision. This motion passed by a vote of 3 to 0.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to adopt Resolution 2003-28 for declaration of road funds for an easement from Weidner subdivision. This motion passed by a vote of 3 to 0.

Planning

Balmer Land Development Waiver Request

Mr. Wynn referred the Board to correspondence dated July 3, 2003 and correspondence dated June 16, 2003 from Dwane Balmer and a sketch plan identifying a proposed pole building to be constructed on the Balmer property located at 1026 Rickert Road. Mr. Balmer received a recommendation from the Planning Commission for a waiver of land development submission to construct the 40' x 72' building on the 35 acre site. He also plans to remove a 20' x 45' existing pole shed.

After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board recommended waiver of submission of land development plans for the Dwane Balmer Land Development. This motion passed by a vote of 3 to 0.

P.S. Miller Land Development Waiver Request:

Mr. Wynn explained that the Miller Tire and Auto Land Development involves a site where construction was begun without a zoning and building permit and a stop work order was issued. The owner subsequently submitted a land development plan which identifies the proposed addition which is approximately 10'x16' in the rear of the existing building with a total of approximately 160 square feet.

After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board recommended waiver of submission of land development plans for the P.S. Miller Limited development. This motion passed by a vote of 3 to 0.

8:00 P.M. Chairperson Snyder adjourned the July 28,2003 Board of Supervisors' meeting in order to enter into a Public Hearing to consider the adoption of an Ordinance reducing the speed of motor vehicles.

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Mr. Grabowski explained that the Board of Supervisors had previously authorized the advertising of a Township Ordinance which will reduce the speed of motor vehicles on Morgan Lane, Victoria Lane and Brittany Lane to 25 MPH for their entire length. The recommendation to reduce the speed on the above named streets was given by the Hilltown Township Police Department.

After discussion, on motion of Supervisor Bennington and seconded by Supervisor Bender, the Board of Supervisors approved adopting Ordinance No. 2003-3 reducing the speed limit for motor vehicles on Morgan Lane, Victoria Lane and Brittany Lane in the Orchard Station Subdivision to 25 MPH for their entire length. This motion passed by a vote of 3 to 0.

8:02 P.M. Chairperson Snyder adjourned the advertised Public Hearing to consider the adoption of an Ordinance reducing the speed of motor vehicles, and reconvened the July 28,2003 Hilltown Township Board of Supervisors meeting.

Cuce Land Development Waiver Request:

Mr. Wynn explained that this site is located at 2111 Bethlehem Pike and involves a proposed 20' x 30' garage addition which will replace the existing garage. This is used for storage only and is not a residential use. The driveway that is located at the entrance to Route 309 will be paved.

After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board recommended waiver of submission of land development plans for the Cuce Land Development. This motion passed by a vote of 3 to 0.

WAWA, Inc. Land Development

Mr. Wynn explained that this land development is for the site located on Route 113 and Bethlehem Pike. The plan includes a WAWA convenience store and fuel pumps proposed with improvements to both Bethlehem Pike and Route 113, including cartway widening and curb and sidewalks. The plan proposes an underground stormwater management facility.

Mr. Wynn explained that neighbors expressed concern about flooding over a culvert and as a result DEP is requiring the channel to be opened, rip-rapped and the old pipe eliminated. When this has been accomplished the flooding that now exists will be eliminated.

Mr. Wynn explained that DEP will monitor the mitigation process on this site. The applicant confirmed that some of the soil will be removed from the site because of the grade of the site and the slopes that are required there is a significant amount of excess

soil that will be removed from the site. There is a clean up plan that has been submitted to DEP that has been approved and details the course of action for the clean up of the site.

In answer to the Board's questions, John Zarharchek from the development company for the project addressed the Board and explained that there are three contaminants that are above the minimum standard concentrations that are permissible by the State of Pennsylvania. The first is some lead contamination that is located in an isolated section about 6" deep on the surface of the property. The second is some benzoate pyrene which comes in some trace amounts and is scattered throughout the site. The last component is arsenic which actually in this area of Pennsylvania occurs naturally at the levels that are on this site but as a result of the current clean fill regulations, it will require all the cut material to be taken to the Glasgow Landfill which is monitored by DEP.

Marc Jonas, Esquire addressed the Board on behalf of the applicant. He explained that Scott Boors, the fuel management consultant and staff member will answer the Board's questions.

Supervisor Bennington asked for assurance that there will be no leakage from the tanks that are proposed to be placed on this property.

Mr. Boors said that the applicant is using a state of the art system which consists of a 20,000 gallon double wall tank that is made out of fiber glass reinforced plastic so it is internally as well as externally corrosion proof. In addition, the space between the inner and outer wall of the tank will be brine filled and have a reservoir on the top. There will be a monitoring system whereby the brine level will be continuously monitored and an alarm would sound if there is any type of problem. The monitoring device is located at four different locations, there is an alarm at the store connected to a fax in two different offices, which is attached to the store security system and third party monitoring. The tank specifications are approved by the Pennsylvania Labor and Industry, Boiler Division. An initial post construction testing will be performed which verifies the integrity of the entire system, both tanks and lines as well as vapor recovery instruments. DEP would also oversee this testing and the results of the testing must be submitted to DEP. In addition, the current DEP regulations state that tank tightness testing must be completed every five years when the system would be shut down and stop selling fuel for a period of 3 to 4 hours which would be completed by an independent third party.

Supervisor Bennington requested that if this plan is approved that this testing be completed on a yearly basis.

Supervisor Bender said that the Township has had several incidents regarding MTB and our experience in the past has been that DEP has been slow with respect to the notification process. He wants any reports to be directed to the Township because this is usually the first place people call when they believe there might be an issue.

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Supervisor Bennington agreed and said that the Township must be informed of any leakage and/or problem.

Mr. Boors suggested that the Township and/or police and fire departments be placed on the fax distribution list and therefore would be informed immediately of any problem.

Supervisor Bender suggested that this be examined further so that incidental information is not disseminated to the Township and/or police department but that they only received critical information so as not to be inundated with non-critical data.

Mr. Boors assured the Board that they would work with the Board to ensure that only critical information would be disseminated to the Police Department. He said that they have the ability to have eight separate phone lines that can be programmed in the console and only three are currently utilized so that it is feasible to comply with this request.

Supervisor Bender asked how spillage above ground would be cleaned up.

Mr. Boors explained that the WAWA corporation has a training program where the shift managers have to go through four levels of gasoline training which includes spill training. In addition, at least one associate working on every shift is spill trained. All the stores are stock with spill materials and appropriate clothing. He said that if a spill should become larger than a customer overfilling his/her tank or a nozzle falling and the store cannot handle the spill, there are procedures in place to deal with this including calling 911 and they have contracted with an emergency response company out of Collegeville. They are required to be on site no later than 2 hours after notification of the spill.

Supervisor Bender asked where the above ground spill is captured.

Mr. Boors said that if a small spill occurs, a couple of ounces up to several gallons, the store associate will be able to handle this with the materials on site and then they must report the spill to the 24 hour central station and to WAWA's environmental department and they would follow up the next day with a telephone call and/or a site visit. If a spill occurs at the time of delivery, each site is different and Mr. Boors said that on this particular site he was unsure of the drainage system.

A representative from WAWA explained that the grading of this site included two high points near the inside of the driveway in the island area in front of the pumps. The entire canopy drains toward the high points. In addition to that there are two trench drains, one at each entrance. Within all of the inlets collecting stormwater and in the case of a spill any gasoline that would be running off the site would drain into either the inlets between the driveways or it would get into the trench drains within the driveways. After that within the proposed inlet system there is a device called a snout which is a hood that covers the outlet pipe. Any oils floating on top of water would be prevented from exiting

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the outlet pipe because of the hood. This is an approved best management practice by DEP. Mr. Boors stated that no spillage would discharge off site.

Mr. Boors went over another device called a fossil filter for the Board explaining that this is a lining around the top portion of the inlet. The water flows over the inlet and through the fossil filter and the filter has fossil rocks and the purpose of the fossil rocks is to absorb the oils that come through and clean the water as it enters the inlet. He explained that the fossil rocks will be replaced in accordance with regulations that are outlined in the permit process.

Mr. Boors said that with these two mechanisms he is confident that the day to day oil and/or gas that would run off, and for any other type of spill, that the controls WAWA has in place will take care of any discharge.

The Township Engineer confirmed that the proposed safeguards are above and beyond the normal basic safeguards.

A discussion was held concerning people leaving their car while filling the tank and Mr. Boors said that WAWA has designed a hold open clip which is just about the medium setting and works well.

A discussion was held concerning the ingress and egress for fuel delivery trucks and it was confirmed that a delivery truck could not exit while a passenger car was attempting to enter at the same driveway. Mr. Boors said that it has been the company's experience that the truck drivers have the ability to maneuver a lot tighter than what is shown on the plan.

Mr. Jonas asked Mr. Barren if there were any changes in the traffic pattern from preliminary plan and he was assured there were no changes with the exception of the concrete curbing.

Mr. Barren said that it is anticipated that between 70,000 and 90,000 gallons of gasoline will be sold at this site a week and that 3 or 4 tanker trucks would be on the site each week to refill the storage tanks.

A discussion was held concerning other delivery trucks and Mr. Boors said that after the store has been opened and a customer trend established, the delivery trucks try to deliver off hours and a pattern is established and they try not to schedule deliveries during morning and evening rush hours.

Supervisor Bennington said that he knows how community minded WAWA is and they are under no obligation to do this, but Hilltown Township is in the process of building

Forest Road Park and he has asked for a \$1.00 per square foot contribution from every commercial land development applicant and he would ask that they consider the same contribution. The applicant agreed to make such a contribution.

After further discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors recommended final plan approval with \$1.00 per square foot contribution and conditions as noted by the Planning Commission.

This motion passed by a vote of 3 to 0.

Sunoco Request for PennDOT Review:

Mr. Wynn told the Board that the Township received an extension for the Sunoco Land development at Hilltown Pike and Route 309 and the Planning Commission approved a motion requesting the Board of Supervisors to authorize correspondence to be sent to PennDOT requesting PennDOT to commence review of the proposed improvements at Hilltown Pike and Route 309 in conjunction with the Sunoco Land Development project and specifically the site access design. The Planning Commission motion specifically requested the Township advise PennDOT of the Township's objection to the design of the access to Hilltown Pike as well as the southern most access on Route 309 and the concerns noted by the Traffic Engineer. PennDOT will not commence review of this application until a letter is received from Hilltown Township requesting that they review the application.

After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors authorized the Township officials to send a letter to PennDOT outlining their objection to the design of the access to Hilltown Pike as well as the southern most access on Route 309 and the concerns as noted by Heinrich & Klein Associates, Inc. in their letter dated July 22, 2003 and request that the Township be included in any meetings with PennDOT and the applicant.

Plan Extensions:

Mr. Wynn informed the Board about the following extensions:

Split Acre Subdivision (Located on Broad Street and Fretz): A 90-day extension received from the date of resubmission of the land development plan.

Reserve at Hilltown: A letter was received from Richard McBride granting the Township an unlimited extension for plan review with a note that action will be required within 60 days upon his notification of the end of the extension.

Braccia Subdivision: Located on Hilltown Pike (Right outside the Village of Hilltown): A letter was expected but not received in writing. This plan has been extended several times and action is required.

On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to deny the Braccia Subdivision based upon the latest engineering review dated June 10, 2003 unless the applicant grants an extension of plan review to the Township prior to August 8, 2003. This motion passed by a vote of 3 to 0.

Engineering:

Pileggi Land Development Extension: After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors granted an extension of plan review for the Pileggi Land Development to October 28, 2003. This motion passed by a vote of 3 to 0.

Beres Subdivision: After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors granted an extension of plan review for the Beres Subdivision to July 25, 2004. This motion passed by a vote of 3 to 0.

Kirk Subdivision: After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors granted an extension of plan review for the Kirk Subdivision to August 13, 2004. This motion passed by a vote of 3 to 0.

Home Depot: After discussion, on motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors granted an extension of deadline for completion of improvements for the Home Depot to December 31, 2003. This motion passed by a vote of 3 to 0.

Mylars for Signature:

Beck Subdivision and the Moyer Subdivision will be signed by the Board of Supervisors after the meeting.

Public Comment:

Mr. Wally Rosenthal, Rosey Lane and Keystone Drive, addressed the Board regarding Berry Brow, also known as the Reserve at Hilltown and Hilltown Ridge, and acknowledged that this development is still in the planning stage and nothing has been approved, and the traffic studies have not been received. As of now, all the open space in the development is allocated to the lower area and the likelihood of it ever becoming a golf course is, in his opinion, a long way off. He asked if this discussion could be revisited and allocate some of the open space for other uses. The Supervisors explained that a Stipulation Agreement has been executed and therefore it is not possible. He expressed concern about the ability to connect these two parcels for use and have residents be able to safely traverse each parcel. He suggested that a traffic light might be a solution. He said that he is addressing these issues on behalf of his neighbors as well as himself and expressed their concern about the possibility of additional traffic along Mill Road and Rosey Lane as a result of this development. He asked the feasibility of having installed some speed bumps on Rosey Lane and Mill Road to slow traffic. He asked if the residents could install speed bumps without the permission of the Township and was told they could not.

Mr. Wynn said that there would have to be several speed humps installed with appropriate signage at a cost to the Township and the effectiveness of such devices is somewhat limited in a non-urban area. He said that studies have shown that in a 35 mph road it reduces the speed of traffic by approximately 4 or 5 mph at the hump.

Mr. Rosenthal said that the speeding on these roads is significant. Supervisor Bennington said that the Board could not comment until the plans for these two parcels are submitted to the Board for review. Mr. Rosenthal said that the residents are discussing taking back this road and designating it a private road which would solve some of the traffic problems.

Supervisor's Comments:

The next quarry meeting will be held at the Township Building on July 29, 2003 at 7:00 p.m.

Supervisor Bennington told the Board that Jim Coin suggested that the Board reform the Ad hoc Quarry Committee Meeting. The consensus of the Board was that there is no need to set up such a committee in the middle of the quarry hearings which would only serve to slow the process. A discussion was held concerning when a decision on this matter could be made. Supervisor Bennington expressed concern that if the hearings continued into 2004 it would be difficult for the two new supervisors to make an informed decision.

Supervisor Bender said that each hearing has been covered by a court stenographer so there are transcripts of the hearings which will be available.

Press Conference: A reporter asked the location of Forest Road Park which is on Forest Road. Supervisor Bennington explained that the proposed park will be built when the necessary funds have been accumulated. WAWA will contribute \$6,237.00 toward the park and Home Depot contributed \$.50 per square foot which was approximately \$86,000.00 and Peruzzi contributed approximately \$5,000.00.

Adjournment: On motion of Supervisor Bennington, seconded by Supervisor Bender, the Board of Supervisors voted to adjourn the July 28, 2003 Board of Supervisors meeting at 9:30 p.m. This motion passed by a vote of 3 to 0.

Respectfully Submitted

Jean W. Deckert