

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 24, 2002
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:34PM 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
Lorraine E. Leslie, Township Treasurer

Chairperson Bender announced the Board met in Executive Session following the June 10, 2002 worksession meeting to discuss legal matters; and also 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 June 10, 2002 Supervisor’s Worksession Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 10, 2002 Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated June 25, 2002, with General Fund payments in the amount of \$10,820.89 and State Highway Aid Fund payments in the amount of \$238.70; for a grand total of all payments in the amount of \$11,059.59.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated June 25, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Bob Wendig – Agricultural Security Committee Seven-Year Review – PA Act 43 – Mr. Wendig, chairperson of the Agricultural Security Committee, advised that the Committee met on June 4, 2002 to recommend continuation of the Agricultural Security District and to conduct a seven year review of all parcels currently in the District. The Agricultural Security District was formed in 1986, with approximately 3,000 acres participated in the program, however that acreage has increased significantly, particularly over the past five years. To join, ten acres of land or a five-acre parcel

adjoining a ten-acre parcel in the District is required. Some of the benefits to joining include the fact that there is no cost involved, it provides for protection from nuisance suits involving normal farming activities, and it also provides for some protection from local eminent domain condemnation. Further, Mr. Wendig noted that you do not have to be a full-time farmer to participate, and a property owner can sell or subdivide their land at any time.

Notification and an application will be sent to landowners in the Township with ten-acres or more. Registration will begin on July 4, 2002 and will end on August 26, 2002. At that time, a Public Hearing will be held to consider the applications. In December, the Supervisors will have the opportunity to approve or reject the new applications.

Mr. Wendig thanked Mrs. Faust and Mrs. Seimes for their assistance in preparing the applications, and Mrs. Kachline for providing the mailing list of residents.

On a different subject, Mr. Wendig expressed concern regarding the safety of farmers traveling on local roads with their farm equipment, and encouraged the Supervisors to place a notice in the next Township newsletter urging motorists to be patient and careful when following farm equipment on local roadways.

2. Mrs. Alice Kachline – Deed Recordation Request – In March of 2002, Mrs. Kachline discussed the possibility of the Township recording deed transfers before they go to the courthouse with Mr. Lippincott. She explained that it would require the abstract companies and/or mortgage companies to provide the deed to the Township administrative office to be stamped and copied before being recorded at the Bucks County Courthouse. Mrs. Kachline noted that a fee could be charged, which would generate additional revenue, and the information would be received by the Township in a more timely manner. She advised that twelve other area municipalities and boroughs presently record deeds, including Sellersville, Morrisville, Doylestown, Perkasié, Quakertown, and New Britain Boroughs; and Buckingham, Doylestown, Durham, Lower Southampton, and Wrightstown Townships. Mrs. Kachline also understands that several other municipalities are investigating the possibility of doing the same.

Mrs. Kachline believes that any potential homeowner moving into Hilltown Township would be more than happy, when paying their settlement fees, to provide an additional \$20.00 to insure that the proper agencies, including the Tax Collector, police, fire and emergency services, are aware that they are moving in sooner than four months, which is when the County has been providing this information.

When the seriousness of this issue was brought to the attention of the Recorder of Deeds, a representative of that office attended the last Tax Collectors meeting to discuss the

matter further. Since that last meeting, Mrs. Kachline has received 61 copies of deed recordings dating back to February of 2002. Mrs. Kachline acknowledged that the Recorder of Deeds office is attempting to "catch up" with their paperwork.

Chairperson Bender noted that the Supervisors have discussed this matter previously, and he understands that Mr. Lippincott did notify Mrs. Kachline of those discussions. The Board had directed Mr. Lippincott to investigate and do more research. If the Recorder of Deeds office could provide the necessary deed transfer information to Mrs. Kachline within a 30-day time frame, Chairperson Bender asked if that would be sufficient. Mrs. Kachline replied that it would. Even though this process would generate some revenue, Chairperson Bender commented that it would take time and personnel, which would actually not really provide much additional revenue. Therefore, he is not certain the process would actually be cost effective for the Township, which is why the Supervisors would like Mr. Lippincott to investigate further. A lengthy discussion took place.

On a different subject, Mrs. Kachline advised that the Hilltown Civic Association awarded four \$1,000.00 scholarships, plus the Simons Award in the amount of \$1,000.00, to recent Pennridge High School graduates. She encouraged interested individuals to participate and volunteer their time in the Hilltown Civic Association.

***PUBLIC HEARING - Chairperson Bender adjourned the regular meeting at 8:11PM and entered into the advertised Public Hearing to consider the adoption of an Ordinance reducing the speed limit on Green Street for its entire length within the Township borders to 40 m.p.h.**

Solicitor Grabowski explained that the Police Department conducted a traffic study of the entire length of Green Street, from Hilltown Pike to the Silverdale Borough limits, where it was determined that the speed limit should be reduced to 40 m.p.h. The proposed Ordinance was prepared and advertised in the Doylestown Intelligencer on June 7, 2002, and was also filed in the Bucks County Law Library.

Public Comment: None.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously **to adopt Ordinance #2002-5, reducing the speed limit on Green Street for its entire length to 40 m.p.h.** There was no public comment.

***8:15PM - Chairperson Bender adjourned the Public Hearing and reconvened the June 24, 2002 Hilltown Township Board of Supervisors meeting.**

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

1. Bid #2002-3 for Asphalt and Bid #2002-4 for Aggregate were opened today at 2:00PM.

Bid results are as follows:

#2002-3 - Asphalt

| | | | |
|-----------------|-------------------------|-------------|---------------------|
| H & K Materials | 2,000 Tons ID-2 Wearing | \$26.50/Ton | \$ 53,000.00 |
| | 2,000 Tons ID-2 Binder | \$25.50/Ton | <u>\$ 51,000.00</u> |
| | | | \$104,000.00 |
| Glascow, Inc. | 2,000 Tons ID-2 Wearing | \$27.00/Ton | \$ 54,000.00 |
| | 2,000 Tons ID-2 Binder | \$23.50/Ton | <u>\$ 47,000.00</u> |
| | | | \$101,000.00 |

Even though Glascow's price per ton for Binder was significantly less than H & K's, the delivery clause of the bid itself precludes the award to Glascow. Therefore, Mr. Buzby recommended that the bid be awarded to H & K Materials for Bid #2002-3 for Asphalt.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to award Bid #2002-3 for Asphalt to H & K Materials in the amount of \$104,000.00. There was no public comment.

#2002-4 - Aggregate

H & K Materials –

*Bid on #2 Crushed Stone only \$6.50/Ton \$ 650.00

Blooming Glen Quarry –

*Bid on everything except #2 Crushed Stone and #5 Modified Stone \$19,565.00

Glascow, Inc. –

*Bid on everything except #5 Modified Stone or Surge \$22,575.00

Since H & K Materials and Blooming Glen Quarry are affiliate organizations and all materials can be obtained from both plants, Mr. Buzby recommended that Bid #2002-4 for Aggregate be awarded to H & K Materials/Blooming Glen Quarry. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to award Bid #2002-4 for Aggregate to H & K Materials/Blooming Glen Quarry, as specified above. There was no public comment.

2. Since Mr. Wynn, the Township Engineer, is the representative for Plumstead Township to the Neshaminy Creek and Little Neshaminy Creek Stormwater Management Plan, Mr. Lippincott suggested that he also be appointed as Hilltown's representative for same to share the cost with Plumstead Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to appoint C. Robert Wynn as Hilltown Township's representative for the Neshaminy Creek and Little Neshaminy Creek Stormwater Management Plan and to share the cost for same with Plumstead Township. There was no public comment.

3. A request has been received from the applicant of the proposed Wawa to be located at the intersection of Rt. 113 and Bethlehem Pike for a preliminary meeting with the Township Engineer and staff. A \$500.00 escrow has been provided as required.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize a preliminary meeting with the applicant for Wawa with the Township Engineer and Township staff, as specified above. There was no public comment.

4. Compliance audit reports of the Hilltown Uniformed and Non-Uniformed Pension Plans for the period of January 1, 1999 through December 31, 2000 have been received from the Auditor General, and are available for public examination at the Township office.

5. The 309 Connector Project Group linking Rt. 309 to the PA Turnpike has requested that the Supervisors authorize their municipal solicitor to review a Road Access Ordinance to limit the number of Road Occupancy Permits PennDot would have to issue on this new road. Mr. Lippincott is seeking authorization to forward the proposed Ordinance to the Township Solicitor for review.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize Solicitor Grabowski to review the proposed Road Access Ordinance to limit the number of Road Occupancy Permits PennDot would have to issue on the Rt. 309 Connector, as specified above. There was no public comment.

6. The Planning Commission agreed upon the following dates to hold Public Hearings for consideration of the proposed Comprehensive Plan – Wednesday, August 7, 2002 and Thursday, August 15, 2002. Mr. Guttenplan of the Waetzman Planning Group will be available to attend both meetings and they will be appropriately advertised.

7. A request has been received from Chief Grunmeier of the Hilltown Fire Company for the Supervisors to sign a Participating Department Recognition Application

document for a voluntary program for fire organizations to be recognized for pursuing professional certifications for all members through the International Fire Service Accreditation Congress or the National Professional Qualifications Board. 70% of the Hilltown Fire Company's members are certified to nationally recognized standards.

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

1. Denise Hermany has submitted her resignation from the Hilltown Open Space Committee. Her term is to expire on December 31, 2004.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize the advertisement of the vacancy on the Hilltown Open Space Committee, as noted above. There was no public comment.

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

1. Solicitor Grabowski presented the Rambo Subdivision Financial Security Agreements, Subdivision/Land Development Agreements, IRSIS Maintenance Agreements, and Declaration of Road Frontage Easement documents for the Board's consideration. The required escrow is in the amount of \$77,285.75, which has been posted via Letter of Credit by Union National Bank.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Subdivision/Land Development Agreement, Financial Security Agreement, and the four IRSIS agreements for the Rambo Subdivision, as specified above. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-22 for Declaration of Road Frontage Easement for the Rambo Subdivision.** There was no public comment.

2. Solicitor Grabowski presented the Subdivision/Land Development Agreement, Financial Security Agreement, and Declaration of Road Frontage Easement Agreement for the Jefferson Tract Subdivision, a three-lot subdivision located on Keystone Drive. First Savings Bank of Perkasio issued a Letter of Credit in the amount of \$62,699.15.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Subdivision/Land Development Agreement and Financial Security Agreement for the Jefferson Tract Subdivision. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-23, accepting the Declaration of Road Frontage Easement Agreement for the Jefferson Tract Subdivision.** There was no public comment.

Solicitor Grabowski presented the Declaration of Road Frontage Easement Agreement for Mr. James Class, who is also involved in the Jefferson Tract Subdivision project, for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-24, accepting the Declaration of Road Frontage Easement Agreement from Mr. James Class for the Jefferson Tract Subdivision.** There was no public comment.

3. Solicitor Grabowski presented the Declaration of Road Frontage Easement Agreement for the Heritage Executive Campus for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-25, accepting the Declaration of Road Frontage Easement Agreement for the Heritage Executive Campus Land Development.** There was no public comment.

4. Solicitor Grabowski presented the Declaration of Road Frontage Easement Agreement for the Hilltown Chase Subdivision for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-26, accepting the Declaration of Road Frontage Easement Agreement for the Hilltown Chase Subdivision.** There was no public comment.

5. Solicitor Grabowski presented the Declaration of Road Frontage Easement Agreement for both Walnut Street and Telegraph Road for the Orchard Hill Subdivision, for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-27, accepting the Declaration of Road Frontage Easement Agreement for the Orchard Hill Subdivision, as noted above.** There was no public comment.

6. Solicitor Grabowski presented the Declaration of Road Frontage Easement Agreements for the Nace/Hess/Rosenberger Lot Line Adjustment Plan for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-28, accepting the Declaration of Road Frontage Easement Agreement from Melvin and Nancy Nace for the Nace/Hess/Rosenberger Lot Line Adjustment Plan.** There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-29, accepting the Declaration of Road Frontage Easement Agreement from Mr. and Mrs. Hess for the Nace/Hess/Rosenberger Lot Line Adjustment Plan.** There was no public comment.

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

1. Brittany Estates – Mr. Ed Wild, the applicant's legal counsel, was in attendance to present the plan. The four-lot subdivision on Rickert Road was unanimously recommended for preliminary approval by the Planning Commission subject to completion of outstanding items as contained within the June 10, 2002 engineering review, with the following noted:

- Waivers requested from Subdivision Ordinance requirements as contained within Items 4.A and 4.5.B of the engineering review were unanimously recommended for approval. The Planning Commission also recommended waiver of curb on the proposed roadway provided that storm drainage is resolved in a manner satisfactory to the Township.
- Waiver is unanimously recommended from installation of streetlights as discussed in Item #10 of the engineering review, however the Planning Commission has recommended denial of the request for waiver from installation of lampposts at the end of each driveway.

For the record, Supervisor Bennington commented that this plan is up for conditional preliminary plan approval, which means this is the first time the Supervisors have voted on it. At a previous Planning Commission meeting, Supervisor Bennington was publicly lambasted by a neighboring property owner of this site, who stated that Supervisor Bennington told him this parcel would never be further developed. He wished to make it clear that it was an untrue statement by the neighboring property owner. This property has been before the Township three separate times over the years, and was denied each time because more than four lots were proposed and because the applicant did not want to install a centralized water system. This Brittany Estates proposal is the first time that an applicant has approached the two outparcels to determine if they would be willing to sign off on the centralized water system to have their private wells remain. Supervisor Bennington stated that he did not tell anyone, including the neighboring property owner, that a subdivision plan would never be approved for this site.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Brittany Estates Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated June 10, 2002. There was no public comment.

2. Beres Subdivision – This minor subdivision located on Dublin Road was unanimously recommended for preliminary/final plan approval subject to completion of outstanding items as contained within the June 3, 2002 engineering review with the following noted:

- Wetland certification as discussed in Item #1 of the June 3, 2002 engineering review has been received from DelVal Soil and Environmental Consultants, Inc.
- Waivers requested by the applicant as discussed in Item #2 of the June 3, 2002 engineering review are recommended by the Planning Commission, including Item #2.C, which was approved at their meeting on June 17, 2002.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary/final plan approval to the Beres Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review of June 3, 2002. There was no public comment.

3. Calvary Church/Anders Carpets – At their May 20, 2002 meeting, the Planning Commission unanimously recommended that the Calvary Church/Anders Carpet Land Development, which proposes access from Calvary Church onto Bethlehem Pike at the intersection of Central Avenue, include submission of a Traffic Impact Study prepared in accordance with Section 406 of the Land Development Ordinance. Pursuant to Section 406.3 of the Ordinance, the Supervisors may require any subdivision or land development application to be accompanied by a Traffic Impact Study provided the Supervisors notify the applicant within sixty days following the Planning Commission's first meeting to consider the proposal. The recommendation of the Planning Commission has been communicated to Calvary Church, who has been advised that this matter would be on this evening's agenda. It is Mr. Wynn's understanding that the Church has retained a traffic engineer to perform the study, and that no Church representatives will be in attendance this evening.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to require a Traffic Impact Study for the Calvary Church/Anders Carpets Land Development Plan for the Central Avenue/Bethlehem Pike intersection. There was no public comment.

4. Zoning Ordinance Amendment – The proposed Zoning Ordinance Amendment to establish Use I-17, has been reviewed by the Bucks County Planning Commission. A copy of the amendment with minor revision as recommended by the Bucks County Planning Commission was provided to the Supervisors for reference. The Bucks County Planning Commission recommendation is as follows “Accessory use – The proposed amendment should establish at the beginning of the description of this use that the Residential Agricultural Use (I17) involves farming as an accessory use occurring on the same lot as a single-family home. In the amendment as submitted, this information is not provided until the last sentence.” If authorized for advertisement, the amendment will be placed on the Planning Commission meeting agenda of July 15, 2002 for their final official recommendation. Discussion took place.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to authorize the advertisement of the Use I-17 Zoning Ordinance Amendment, as specified. There was no public comment.

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

1. Mill Road Storm Drainage – A meeting was held at the Mill Road/Park Road site with Mr. Tom Buzby, Hilltown Township Director of Public Works, Mr. Joe Bush, Bucks County Public Works, and Mr. Wynn on June 14, 2002. Mr. Wynn explained that Mr. Bush advised that the proposed storm drainage design must meet with the approval of the County’s engineering firm, as well as PADEP since it will be discharging water into a dam that is funded by the State. The site will be surveyed later this week and a sketch plan will be prepared to forward onto Bucks County’s engineer through Mr. Bush before the final design is approved.

2. Bike Path Status Report – Mr. Wynn provided a status report on the bike path being constructed through the open space areas of Pleasant Meadows and Orchard Glen. The path has been cut and stoned from the Hilltown Authority’s wellhouse, around the north side of Pleasant Meadows, and across the detention basin berm. A small portion from Steeplebush Drive up to the basin is currently under construction, which is an area that will take quite a bit of fill. Later this week or early next week, Mr. Wynn anticipates that the section from Steeplebush out to Orchard Road will be cut and stoned. Once that is complete, the path will be paved.

3. Longleaf Estates I – The applicant has requested that the Township request dedication of Longleaf Estates, Phase I. The punchlist items are complete, other than an arrow that is missing on one sign, which is on backorder, and a few inlets are still being cleaned. Mr. Wynn and Mr. Buzby met at the site on June 11, 2002 to discuss street signage and to determine the limits of open space for maintenance purposes. There will be approximately six or seven acres of open space area that will be maintained by the

Public Works Department. In Phase II of Longleaf Estates, there will be additional open space, some of which is graded for a playfield, a detention basin, and a relatively large area of wooded and open area that will be maintained as meadow. Upon receipt of the bond and verification that all is in order from the Township Solicitor, Mr. Wynn recommended that Phase I of Longleaf Estates be accepted for dedication.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept dedication of Phase I of Longleaf Estates, pending receipt of the bond and verification from the Township Solicitor. There was no public comment.

J. MYLARS FOR SIGNATURE:

1. Jefferson Tract Subdivision

K. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road asked how the impervious surface ratio issue will be handled with the I-17 Use. Mr. Wynn quoted that proposed Ordinance amendment, which states "Not more than 9% of the total lot area shall be in impervious surfaces." Discussion took place.

With regard to Mrs. Kachline's earlier request concerning deed recordation, Mrs. Teed noted that since the Municipalities Planning Code does not permit this type of Resolution or Ordinance, she opposes the Township even considering breaking the law to do it. If the Recorder of Deeds office is behind as reported, Mrs. Teed feels that holding them accountable is a far better procedure than expanding government. She noted that Republican principles list that smaller government is preferred.

2. Mrs. Mary Schiavonne of Township Line Road stated that Hilltown Township did record deeds in the past, but she is not certain of why the practice was stopped.

3. Mr. Rick Freed of 744 Church Road asked for a status report of the Berry Brow Farm Subdivision plan. Mr. Lippincott advised that the applicant granted an extension until July 15, 2002 for the Board to take action. Supervisor Bennington noted that the Board would most likely take action on the proposed Stipulation at the July 8, 2002 worksession meeting

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington congratulated the Pennridge High School Class of 2002, which included his son Ryan, Mr. and Mrs. Schaefer's granddaughter, Courtney, and Mr. Bob Wendig's son, Richie.

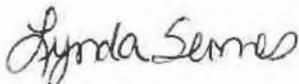
2. Supervisor Bennington noted that there was an article in the Philadelphia Inquirer yesterday concerning DUI arrests. He is thankful that the Hilltown Police Department puts great emphasis on DUI offenses and for his remaining five years as a Supervisor, they will continue to. Supervisor Bennington wants to insure that drunk drivers do not drive through Hilltown Township, having the potential to kill innocent people.

3. Chairperson Bender commented that there have been many recent newspaper articles regarding the TCE contamination in the Bethlehem Pike/Keystone Drive area near Telford. Needless to say, that area of the Township is under duress, and the Supervisors will be sending correspondence to Congressman Greenwood, Senator Conti, and State Representative Watson, urging their support in cleaning up the MTBE and TCE contamination problem in Hilltown Township and surrounding areas.

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 June 24, 2002 Board of Supervisors meeting was adjourned at 9:12PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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