

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, August 27, 2001
7:30PM

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

Also present were: John S. Bender, 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 Bennington announced the Board met in Executive Session prior to this meeting in order to discuss legal, personnel, and real estate issues.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the August 13, 2001 Board of Supervisor’s Worksession meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the August 13, 2001 Supervisor’s Worksession meeting as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated August 28, 2001, with General Fund payments in the amount of \$133,373.49, Fire Fund payments in the amount of \$3.65, Deht Service Fund payments in the amount of \$7.29, State Highway Aid Fund payments in the amount of \$8,120.80, and Escrow Fund payments in the amount of \$10,706.18; for a grand total of all payments in the amount of \$152,211.41.

Supervisor Snyder questioned the bills for air conditioning repair. Mr. Lippincott replied that the firm recommended by Dave Hersb has been attempting to correct the HVAC system in the building.

Supervisor Bender asked when the Supervisors would have the opportunity to review the Forest Road Park Plan, as prepared by Spotts, Stevens and McCoy. Mr. Lippincott advised that there was not a quorum at the last Park and Recreation Board meeting, so no recommendation was forwarded to the Supervisors for review.

Supervisor Bender questioned an item on the Bills List for the purchase of Voyager Gasoline. Mr. Lippincott explained that Voyager is a statewide fuel credit card, which is a State bid that the Township has piggybacked on for purchasing of fuel.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated August 28, 2001. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Gil Schonour – Philadelphia Gliderport Waiver Request – Mr. Schonour was not present at this time.

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

1. The Township has received a grant proposal for a police substation/community center at Green Meadows housing development, which will be forwarded to Congressman Greenwood in order to secure funding.

2. At the last meeting, the Board of Supervisors tabled Bid #2001-5 (Pleasant Meadows Walking Trail). The Township staff has recommended that the Board authorize the taking of the low bidder's bid bond unless the low bidder, who withdrew their bid, agreed to reimburse the Township for advertising and administrative costs. Mr. Wynn prepared a memo stating that costs for re-bidding are estimated at \$1,255.12, which does not include legal or Township administrative fees in the amount of approximately \$250.00. Mr. Wynn advised that the low bidder is aware of the potential that they may be charged these costs; and if they refuse to agree to reimburse the Township for the cost, the Township has the option to seek the costs from the bid bond agent.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to charge the low bidder approximately \$1,500.00 for reimbursement for re-bidding costs for the Pleasant Meadows Walking Trail bid. There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to reject all of the bids for the Pleasant Meadows Walking Trail (Bid #2001-5); and to authorize re-advertising of the Pleasant Meadows Walking Trail Bid. There was no public comment.

3. There are fourteen escrows for the Board's consideration, seven of which are cash held by the Township:

A&T Subaru	Voucher #03	\$ 663.87
Bricks Villa Phases I&II	Voucher #18A	\$ 3,493.47
CVS Land Development	Voucher #03	\$ 1,215.65
Frank Eckert Land Dev.	Voucher #07	\$ 196.41
Frank Eckert Land Dev.	Voucher #08	\$ 2,776.85
Harleysville National Bank	Voucher #02	\$ 575.24
Kunkin Steel	Voucher #13	\$ 413.98
Kunkin Truck Terminal	Voucher #08	\$ 104.66
Longleaf Estates Phase I	Voucher #60	\$ 5,940.00
Longleaf Estates Phase I	Voucher #61	\$ 746.83
Longleaf Estates Phase II	Voucher #20	\$ 709.11
Lynrose Estates	Voucher #15	\$ 429.66
Pleasant View Subdivision	Voucher #01	\$ 3,806.07
Bricks Villa Phases I & II	Voucher #19A	\$ 225.00

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to release the fourteen escrows as noted above. There was no public comment.

4. Mr. Lippincott requested a motion to appoint Mr. James Scholl to the vacancy on the Public Works Department. Mr. Scholl will begin employment with Hilltown Township on Tuesday, September 4, 2001.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to appoint Mr. James Scholl to the vacancy on the Hilltown Township Public Works Department, to begin unemployment on Tuesday, September 4, 2001.

5. The Township received a courtesy copy of the Traffic Impact Study prepared for the R-3 Residential Zoning District of Bedminster Township for our review, information, and also as a reference source for the Township's use in future traffic studies or land development issues. This traffic study was undertaken by Bedminster Township in order to coordinate required on-site and off-site road improvements that will be required as a result of several independently proposed developments. It was suggested that the Township examine the Executive Summary and the Conclusions section of the Report, which indicate study intersections and off-site improvements not under Bedminster's jurisdiction that may be affected by the proposed developments and may require special consideration for future improvements in coordination with Hilltown Township's planning efforts for that area. This is a very large document that will be kept in the Township office for review by the Supervisors and the Planning Commission, if they wish. The Supervisors directed Mr. Wynn to review this document.

6. Mr. Lippincott sought authorization for advertisement of a joint meeting between the Comprehensive Plan Task Force and the Board of Supervisors on October 3, 2001 at 7:00PM.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of a joint meeting between the Comprehensive Plan Task Force and the Board of Supervisors on October 3, 2001 at 7:00PM. There was no public comment.

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

1. Correspondence has been received from the Bucks County Airport Authority concerning the 2001 Tree Donation Program. Tom Buzby will be purchasing trees to replace those that have died in the Deerfield development, as per the grant award. The Airport Authority will reimburse the Township up to \$1,000.00 when submitting any invoices for these trees.

2. Information has been received requesting that the Township join the Bucks County Community Alert Network Services, which is a service provided to allow local municipalities to alert citizens of emergencies. Mr. Lippincott explained that in the event of an emergency, the Township would be able to access this program that would then call out emergency notification to residents of specific roads or sections of the municipality. The cost to the Township would be \$.25 per call if the system were ever used. Mr. Lippincott and Chief Trauger will be attending a meeting in Silverdale Borough in early September to learn more about the system. Once more information is obtained, Supervisor Bender recommended that it be included within the Hilltown Township Emergency Management Response Plan.

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

1. Solicitor Grabowski presented the Declaration of Easement for Blooming Glen Road for the recently approved Forsythe Subdivision for the Board's consideration.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-23, accepting the Declaration of Easement for Blooming Glen Road for Mr. and Mrs. Forsythe for the Forsythe Subdivision.** There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-24, accepting the Declaration of Easement for Blooming Glen Road for Mr. and Mrs. Rosenberger for the Forsythe Subdivision.** There was no public comment.

H. CONFIRMED APPOINTMENTS –

1. Mr. Gil Schonour – Philadelphia Gliderport Waiver Request – Mr. Schonour, an engineer and member of the Philadelphia Glider Council was in attendance to request that the Supervisors consider reducing or waiving the Land Development Waiver Fee and building/zoning permit fees for the Philadelphia Glider Council. Mr. Schonour explained that the applicant submitted a Land Development Waiver Request on October 25, 2000 for construction of a 36 ft. X110' glider trailer shed, which would contain no electrical services, plumbing, heat or concrete floor, on their site located between Green Street, Mill Road, and Rt. 152. On March 26, 2001, the Supervisors approved the land development waiver request, pending completion of all outstanding items as noted in Mr. Wynn's engineering review of March 9, 2001.

Mr. Schonour noted that as a volunteer organization operating on a restricted budget, it has been a challenge for the Philadelphia Glider Council in submitting and obtaining the necessary permits for this structure. Fees that have been submitted or will be required are as follows:

Land Development Waiver Request	\$2,500.00
Zoning Permit	\$ 200.00
Building Permit	\$1,230.00
Stormwater Management	\$1,300.00
Soil Disturbance	<u>\$ 50.00</u>
	\$5,280.00

Mr. Schonour stated that the total budgeted amount for construction of this shed is approximately \$22,000.00. The cost of permits alone is 24% of construction cost. Mr. Schonour understands that the Township incurs expenses with new construction or subdivisions, however he feels that the cost to review and approve this particular application will be insignificant compared to a major subdivision. He noted that this new structure would not place any new demands on Township services, such as increased traffic, water use, or children attending school. Mr. Schonour has had quite a few discussions with Township employees, who have been very accommodating and he realizes they are only enacting the policies as they exist today. He is requesting that the Supervisors consider reducing or waiving the abovementioned fees to appropriately reflect the scope of this project and the costs incurred by the Township.

To his recollection, Chairperson Bennington advised the Township has never waived land development fees for anyone with the exception of the Souderton Baseball League, and even in that instance, the land development waiver fee was not waived. The Supervisors did approve a waiver of zoning and building permit fees subject to submission of a

\$500.00 escrow to be retained by the Township to cover actual costs incurred relative to the project.

Mr. Wynn advised that back in March of 2001 when the Supervisors granted a waiver of land development submission, which generated the \$2,500.00 fee, was not for simply a 3,600 sq. ft. building. Rather, Mr. Wynn advised that fee included the construction of four buildings including the 3,600 sq. ft. trailer shed, a 1,800 sq. ft. hangar, an 800 sq. ft. hangar, and a 400 sq. ft. storage building. Therefore, the Glider Council was granted relief from going through the entire land development process, which in Mr. Wynn's estimation would have been a much greater cost than the \$2,500.00 fee charged for that waiver. Mr. Schonour explained that when the Glider Council applied for their building permit, they were told they had to go through the land development process or apply for a land development waiver, which is what they did. In Mr. Schonour's opinion, what is required for a waiver of land development and what is required for a full-blown land development plan aren't much different. Mr. Wynn disagreed, noting that the work that was done for the land development waiver is only approximately 1/10th of the work that would have been required for a full-blown land development submission. With regard to the additional buildings that were proposed on the original land development waiver submission, Mr. Schonour explained that since the \$2,500.00 fee was a flat fee, no matter how many buildings were proposed, the Glider Council proposed those additional buildings in the event they want to construct those other buildings in the future.

Chairperson Bennington believes that the proposal is actually for an aircraft hangar for which BOCA Code requirements are more stringent. Mr. Schonour disagreed, and explained that gliders are dismantled, are placed in trailers, and the trailers themselves would then be stored in the shed.

One of the fees that the applicant is requesting a waiver of is for Stormwater Management. Mr. Wynn advised that in accordance with Section 105 of the Stormwater Management Ordinance, the proposed structures on the site may qualify for exemption from stormwater management facilities provided documentation is received from a registered professional engineer in the Commonwealth of Penna. indicating that increased flows from the site leave the site in the same manner as the pre-development condition, and that there will be no adverse affects to properties along the path of flow, or that the increased flow will reach a natural watercourse or an existing stormwater management structure before adversely affecting any property along the path of the flow. Further, in the event the applicant submits such documentation from a professional engineer, a stormwater management fee must be paid to the Stormwater Management Capital Fund for improvements to stormwater facilities within the community. The alternative to that fee is to design and construct stormwater management facilities for the 6,600 sq. ft. of proposed impervious surface, which in Mr. Wynn's opinion would obviously be equivalent to three houses.

Mr. Schonour felt the Supervisors should be embarrassed to charge someone \$3,730.00 to construct a pole building. Chairperson Bennington noted that everyone else, in the 12 years he has been a member of the Board of Supervisors, except for Souderton Baseball League, which is a non-profit, children's organization, has paid those fees. Mr. Schonour argued that the Philadelphia Glider Council is also a non-profit organization. Supervisor Snyder noted that at their last meeting, there was a request from an 80-year old woman who was going into a nursing home to waive fees, and the Supervisors denied that request. She feels as though that woman's request was a great deal more just than Mr. Schonour's request. Supervisor Snyder does not feel it would be fair to set precedence and waive fees for the Glider Council in this instance. In Mr. Schonour's opinion, this is government gone totally out of control. He noted that farmers wanting to construct silos or barns would have this same expense and he does not feel it is fair. At the last meeting where the 80 year old woman's request for waiver was denied, Supervisor Bender advised that the Supervisors had discussed the amount of certain fees and agreed that it was something they would review in the future.

Mr. Schonour stated that Hilltown Township and the Philadelphia Glider Council have certain issues in common, such as open space. He believes that the Glider Council owns the largest privately held open space in Hilltown Township and they are very interested in preserving open space. In order to do that, Mr. Schonour believes it would be smart for the Supervisors to do something to encourage the type of activities that take place on open space, such as the Glider Council's proposal. Mr. Schonour questioned the Supervisor's intent. Chairperson Bennington told Mr. Schonour that he does not take kindly to threats, and therefore, requested a motion to deny Mr. Schonour's request for waiver of fees.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to deny the request by the applicant for waiver or reduction of fees of land development waiver, stormwater and building and zoning fees for the Philadelphia Glider Council Land Development. There was no public comment.

I. PLANNING – Mr. C. Robert Wynn, Township Engineer – The final plan for the proposed cemetery at the terminus of Sunny Road was unanimously recommended for final approval by the Planning Commission, subject to completion of the following:

- Dedication of Sunny Road right-of-way to the Township.
- Increasing snow storage easement No. 2 and dedication of both storage easements at the end of Sunny Road cul-de-sac turnaround area to the Township.

- Installation of perimeter buffer plantings in a manner satisfactory to the Township based upon location of existing vegetation.
- Verification of the property owners responsibility to maintain the stormwater management facility.
- Verification of approval of erosion and sedimentation control measures from the Bucks Conservation District.
- Installation of property pins and monuments.
- Execution of Development/Financial Security Agreement to guarantee installation of required improvements.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the St. Philips Orthodox Church Cemetery Land Development, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated July 24, 2001.

2. Rambo Subdivision (Final) – This subdivision located at the intersection of Schultz Road and Keystone Drive was unanimously recommended for final plan approval by the Planning Commission, subject to completion of all remaining items as contained within the August 2, 2001 engineering review, including resolution of sidewalk/contribution in-lieu-of sidewalk along Keystone Drive in a manner satisfactory to the Board of Supervisors.

Mr. Ed Wild, the applicant's legal counsel, and Mr. Denny Litzenberger, the applicant's engineer, were in attendance to present the plan. The applicant offered a fee-in-lieu of sidewalk in the amount of \$5,000.00. Mr. Wynn's estimate for this work is \$9,113.00. Discussion took place. The applicant agreed to a fee-in-lieu of sidewalk in the amount of \$9,113.00 as estimated by Mr. Wynn.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant final plan approval to the Rambo Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated August 2, 2001, including submission of \$9,113.00 as fee-in-lieu of installation of sidewalk. There was no public comment.

3. Heritage Executive Campus (Final) – This land development located on Rt. 152 was unanimously recommended for final plan approval by the Planning Commission subject to completion of all remaining items as contained in Mr. Wynn's

August 8, 2001 engineering review. Ms. Beverly Curtin and Mr. Mark Tenaglia of Heritage Building Group were in attendance to present the plan.

Mr. Wynn's review notes that the court agreement requires the daycare center outdoor play area to be screened to minimize disturbance to adjacent residential areas. Section 406.C11. 2 of the Zoning Ordinance further defines minimum play area screening requirements. Primarily, the existing vegetation and other proposed buffering around the perimeter of the property is intended to satisfy the play area screening requirement. The proposed fence surrounding the daycare play area is to be 6 ft. high chain link. The applicant must provide the Township with information relative to proposed landscaping screening to be provided around the daycare center outdoor play area when the information pertaining to the same is made available from the future tenant, no later than at the final plan submission. It is not clear to Mr. Wynn whether the screening proposed in conjunction with other existing vegetation conforms to the play area screening requirements. Mr. Wynn advised that one of the comments from the Planning Commission was that there should be language in the Development Agreement that the landscaping of the daycare center should be re-visited when the applicant is aware of who the future tenant would be. Supervisor Snyder asked if facilities or landscaping to allow shaded areas would be provided in the play area itself. Ms. Curtin replied that though she does not yet know who the tenant would be, she is certain shade trees or some other type of sun protection would be provided. Further, she is sure that children would not even be permitted in the play area if weather conditions were unfavorable.

The applicant agreed to comply with all conditions as noted in Mr. Wynn's August 8, 2001 engineering review.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant final plan approval to the Heritage Executive Campus, pending completion of all outstanding issues as noted in Mr. Wynn's engineering review dated August 8, 2001, and pending withdrawal of the two former subdivision plans as submitted by Heritage Building Group for this same property. There was no public comment.

4. Summer Lea Subdivision (Final) -The final plan for the Summer Lea Subdivision was unanimously recommended for final plan approval by the Planning Commission subject to satisfactory completion of all outstanding items as noted in Mr. Wynn's engineering review dated August 14, 2001. Ms. Beverly Curtin of Heritage Building Group and Mr. Boh Irick, the applicant's engineer, were in attendance to present the plan.

The site is located at Hillcrest Road and Diamond Street, and consists of 272 units, with a mix of garden apartments, twins, and townhouses. The plan proposes installation of 3

basketball courts, 2 large playfields, and 3 tot lots, all to be private and maintained by the Homeowner's Association. The Ordinance requires six 2,500 sq. ft. tot lots, however they have been combined into three tot lots of 5,000 sq. ft. Mr. Wynn's review notes that the proposed tot lot design must conform to all requirements of Section 525.3 of the Subdivision Ordinance, including fencing, sitting areas, and landscaping, and must be coordinated with the Park and Recreation Board.

Cartway widening, curb, sidewalk, and cartway overlay is proposed to extend from the southernmost limit of the site along Diamond Street to the intersection of Orchard Road, crossing the frontage of TMP #15-11-22, to coordinate improvements required as part of the Longleaf Subdivision. Acquisition of right-of-way will be necessary to install proposed off-site street improvements. The Township acknowledges construction of these improvements is subject to the Township acquiring the necessary right-of-way. The owners of TMP #15-11-22 (Mr. and Mrs. Delp) desire the plans to be prepared to incorporate landscaping/berming along Diamond Street in a manner to provide a visual and sound barrier along the frontage of the property. Mr. Wynn explained that Mr. and Mrs. Delp understand the desire to have curb and sidewalk extend to the intersection, however their major concern was that there would be a realignment of the intersection, which would cause the removal of part of their front yard. Mr. Wynn assured Mr. and Mrs. Delp that that scenario has not been proposed, but that what is proposed will affect a great deal of the landscaping that was installed several years ago. As part of granting the easement, Mr. and Mrs. Delp want to insure that they will have either berms constructed, additional tree plantings, or a combination thereof, which is what Mr. Wynn has been discussing with them. Discussion took place as to whether or not PennDot may warrant a traffic signal at that intersection, which will depend on the traffic volumes and the results of the traffic study.

With regard to the Highway Occupancy Permit, Ms. Curtin advised that one review was received from PennDot, of which those comments have been submitted to the Township. Comment #12 of PennDot's review indicates "the end of the full-width pavement widening should not be tapered." Mr. Wynn does not agree with this statement as it relates to the proposed Inlet #99, and will contact PennDot to discuss this matter further. Mr. Wynn noted that stormsewer Inlet #99 should remain in a sump condition in order to intercept flow from the existing roadside swale prior to crossing pavement/grass threshold. This is necessary to prevent erosion/damage to the widened pavement as well as to improve runoff collection efficiency. Mr. Wynn's review notes that curb, sidewalk, and widening should be adjusted to permit installation of inlet in sump, within right-of-way and boundary of property. Discussion took place.

Ms. Curtin advised that Planning Modules have been submitted to the Hilltown Authority, however as everyone is aware, capacity is not available at this time.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant final plan approval to the Summer Lea Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated August 14, 2001. There was no public comment.

5. Car Sense Traffic Study Review Authorization – The Planning Commission did not make a recommendation on the preliminary land development plan for Car Sense, however, they did request that the Township traffic consultant receive a copy of the plan in order to provide his professional opinion as to whether or not a traffic study should be submitted pursuant to Section 406 of the Subdivision Ordinance.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to require that a Traffic Impact Study be submitted by the Car Sense Land Development for review by the Township traffic consultant. There was no public comment.

6. Hilltown Chase (Preliminary/Final) – A revised preliminary/final plan was submitted to the Township on August 14, 2001 and was received by Mr. Wynn on August 20, 2001. Additionally, legal descriptions for right-of-way areas were received on August 22, 2001. The latest extension in the review period requires action on this plan not later than August 31, 2001.

Mr. Rob Gundlach, the applicant's legal counsel, along with Mr. Larry Byrne, the applicant's engineer, and Mr. Joe Sotack of the Elliott Building Group, were in attendance to present the plan.

The site contains 52.59+ acres and is located within the Rural Residential Zoning District on Telegraph Road, south of Rt. 113. The property contains three existing ponds. The ground cover is predominantly meadow with an area of woods located along the southern and western property boundary. Public water and sewer facilities through a low-pressure force main system are proposed. No recreational facilities are required by Ordinance.

On September 21, 2001, the applicant, Elliott Building Group, and Hilltown Township entered into a Stipulation and Agreement to permit development of the property with 41 residential lots and public sewer system to be connected to the existing gravity sewer located within Beverly Road. The Stipulation and Agreement requires the Township to revise the Wastewater Facilities Plan (Act 537) to include the site within the public water and public sewer district and to instruct the Hilltown Township Water and Sewer Authority to reserve sewer capacity for the proposed 41 residential dwellings. The public sewer system is permitted to be a low-pressure system in lieu of a gravity system. Mr. Wynn has reviewed the submitted plans for conformance with requirements of the Stipulation Agreement and applicable Zoning Ordinance and Subdivision Ordinance

requirements in effect at the time of original submission. Mr. Wynn's engineering review dated August 23, 2001 was discussed.

Mr. Gundlach believes that Planning Modules have been submitted to the Township for signature, which he would like the Board to execute this evening, along with the granting of final plan approval. Mr. Wynn advised that the Township has not received Planning Modules that were signed as necessary for Supervisor's action. Mr. Byrne explained that the Planning Modules were submitted to the necessary reviewing agencies, and he believes the Hilltown Authority is in the process of completing the components that must be signed, and then they will be forwarded to the Township for action. Mr. Wynn understands that those Planning Modules have not yet been executed because there is still an outstanding item preventing that. Completion of the Act 537 Planning Modules is dependent upon revisions to the Silverdale Borough conveyance agreement with the Hilltown Authority. Mr. Gundlach understood that Silverdale Borough had agreed to the amendment to the conveyance agreement with the Hilltown Authority. Further, Mr. Gundlach's associate has spoken with the solicitor for Silverdale Borough, who advised that Silverdale Borough would be considering execution of those said agreements at their next meeting scheduled for early September. Solicitor Grabowski, who is also legal counsel for the Hilltown Authority, has had no such discussions concerning this issue with the Silverdale Borough solicitor. He noted that a proposed agreement was presented to Silverdale Borough approximately three weeks ago, which he understands was rejected due to specific language in the agreement itself. Solicitor Grabowski stated that Silverdale Borough will be discussing this matter at their September 4, 2001 meeting, however he has not personally seen a final draft copy of that agreement. Chairperson Bennington asked how the Board of Supervisors could consider granting final plan approval to the Hilltown Chase Subdivision, without this agreement with Silverdale Borough in place. Solicitor Grabowski advised that until there is a signed agreement with Silverdale Borough, there cannot be transportation of sewage through the Silverdale system, since there is no sewage capacity available. This is a risk that Solicitor Grabowski would not recommend that the Board of Supervisors take. Mr. Gundlach believes that the plan could be approved with the condition that the liens for this project would not be signed until the agreement with Silverdale is in place. A lengthy discussion took place.

Open Space Area D is to be conveyed to the owner of TMP #15-28-208-1 (Lands of Thompson) subject to satisfaction of conditions of the Stipulation and Agreement, which includes the following:

- Open space area may be conveyed to the owner to TMP #15-28-208-1 provided the owner of this parcel agrees to grant the Township and the applicant an easement to permit the Township to construct a walking trail,

at a location agreed to by the Township and the property owner, along the frontage of TMP #15-28-208-1.

- Open space area is merged with TMP #15-28-208-1 with the conservation easement placed over the resultant parcel. Note #24 on the record plan does not include language establishing the required conservation easement to be placed over the consolidated parcels. It is unclear to Mr. Wynn whether the required conservation easement is acceptable to the owner of TMP #15-28-208-1.

If Open Space Area D is to be accepted by the adjacent owner, under the above conditions, Mr. Wynn stated that the record plan should be revised to note consolidation of these parcels, with the signature affidavit for the adjacent owner to include language establishing a conservation easement over the property. Mr. Gundlach advised that Mr. Thompson has agreed to accept Open Space Parcel D, which is the large parcel to the rear of his home. He is not interested in accepting Open Space Parcels E and C, primarily because they contain basins and certain maintenance obligations with respect to those basins that he does not wish to assume. Mr. Thompson is in agreement to those three conditions of the conveyance of Parcel D, which includes the easement across the frontage of his property, the consolidation of these two properties, and a restriction against further subdivision being placed against his property. Mr. Gundlach explained that the homeowner's association for this project would be assuming the land areas of Parcels E and C, along with the responsibility for the maintenance of those basins.

As a condition of dedication of Open Space Area D to Mr. Thompson, a walking trail easement for Township/public use is required across the frontage of TMP #15-28-208-1. A 20 ft. wide walking trail and temporary construction easement is identified on the plan. Mr. Wynn's review notes that a temporary construction easement is required for grading associated with the installation of proposed off-site drainage improvements and a walking trail. The walking trail and grading associated with the installation of off-site drainage improvements impacts existing features along the frontage of adjoining TMP #15-28-208-1, including fencing, lights, gardens, trees/bushes, and utility poles. Mr. Wynn advised that greater detail should be provided on the plan for the walking path along the frontage of Mr. Thompson's property so that he is aware of those impacts. Mr. John Thompson, the owner of the property in question, asked what type of walking trail would be installed and if it was proposed to be a straight sidewalk or more of a meandering type path. Mr. Lippincott replied that the proposed walking path is proposed to ASHTO standards as a 10 ft. wide macadam path to ultimately connect to the open space through the Deerfield development. Mr. Thompson admitted that he is flexible, though he noted that he does maintain some existing vegetation with a fence line right behind it along the roadway.

Mr. Wynn's review notes that pursuant to Section 505.16 of the Subdivision Ordinance, the existing 18 inch RCP culvert under Telegraph Road, approximately 250 ft. from the basin, is proposed to be replaced with a 24 inch culvert and type 'D' endwall. A temporary construction easement from TMP #15-28-106-2 and #15-28-106-1 is necessary as the 24 inch RCP culvert and type 'D' endwall proposed to replace the existing 18-inch CMP culvert cannot be properly installed without encroachment onto private property by equipment and workmen. The applicant's engineer indicated that permission to enter onto these private properties has been obtained, however verification of such approval has not been received by the Township. If a construction easement is not obtained, the existing culvert at this location must be maintained and design of Basin 2 modified accordingly to limit the rate of total post-development runoff to the culvert to a rate equal to, or less than, the capacity of the existing 18-inch culvert. Mr. Byrne does not believe that easements are required, since no access will be required to install these culverts. Nevertheless, the applicant did send correspondence to these two property owners. One of those property owners, Mr. Senoyuit, who had some prior substantial concerns with existing stormwater runoff, has been satisfied with the proposal. The second property owner, Mr. and Mrs. Siegfried, did not respond to the applicant's correspondence. It would be very surprising to Mr. Wynn if access to either of these two properties would not be required to install this culvert. He believes that these properties will be encroached upon by the contractor simply because the endwall is located 2 ½ ft. from the legal right-of-way. Therefore, if the contractor goes so much as 2 ft. 8 inches beyond where they are working, they will be on private property, and those residents would have every reason to complain of trespass. It is Mr. Byrne's position that no access will be needed to the Siegfried property to install that culvert, and if it is, it would be trespassing by the site contractor. If the Elliott Building Group is so confident that this will not happen, Mr. Wynn suggested that the Development Agreement provide for language that if the contractor must go beyond the legal right-of-way, there is acknowledgement that work will cease and desist until it has been redesigned. Mr. Gundlach advised that the applicant would continue to try to open dialogue with Mr. and Mrs. Siegfried. Discussion took place.

Mr. Wynn's review noted that the detention basins are proposed to be wetland basins with wetland vegetation planted over the bottom of the basin, graded at 1% without low flow channel. Evergreen and deciduous trees are proposed around the basin berm. Detention basin bottoms should be modified to include shallow water and emergent wetland planting zones. Mr. Gundlach does not believe that this is required by the Ordinance and the applicant would prefer not to have those emergent wetland planting zones, which would create standing water. Mr. Wynn explained that those requirements are in place now, though they were not in place at the time of the plan submission. They are Stormwater Management Ordinance requirements. He advised that any basin graded at 1% will result in standing water issues because as the vegetation and wetland plantings grow, there will be pockets of water. Mr. Wynn is suggesting that the basin be designed

to meet the current Ordinance requirements, which are Best Management Practices as contained in that Ordinance. The applicant is concerned about the recent outbreak of West Nile Virus, which is perpetrated through standing water, and would therefore prefer to have grass bottom basins. The applicant would agree to place wetland plantings in the bottom of the basin, though it is not their preference. They would prefer grass bottom basins that are mowed on a regular basis and are water-free. Supervisor Snyder does not feel it is unreasonable to make this request. Chairperson Bennington does not agree with wet bottom basins, which encourage standing water and could therefore be a breeding ground for the West Nile Virus. Supervisor Bender agrees with the concept of a wetland basin. Mr. Gundlach commented that a wetland basin was not an Ordinance requirement the day their plan was filed, and technically, the applicant is not subject to it. A lengthy discussion took place.

Mr. Gundlach advised that the applicant is proposing a split rail fence with wire basin, not only around the basins, but also separating this project from Mr. Thompson's property as well.

The applicant has agreed to place the following note on the plan with regard to disturbance to the ponds "If the ponds located in Open Space Parcel A are fractured during the completion of earth disturbance for this project, then the applicant shall be required to request the Township to drain and fill the ponds." This language will also be contained within the development agreement. Discussion took place concerning whether or not the ponds may eventually be filled with dirt if the water supply proves to be inadequate.

Light standards are proposed at street intersections, at the end of the cul-de-sac turnaround, and where the proposed road joins existing Beverly Road. An additional light is provided in the vicinity of Lots #8 and #9. The plan also specifies that all dwellings will be provided with driveway lampposts. Supervisor Snyder knows that there is some concern among the residents of Beverly Road where the cul-de-sac will be extended that there be minimal streetlights provided. Mr. Wynn suggested that perhaps the street light that is proposed in that location be removed from the plan. The applicant was agreeable to accept a provision to be placed in the Development Agreement, that the Township would have the right prior to installation of the streetlight at that location, to advise the applicant not to install a streetlight at the cul-de-sac. Mr. Wynn noted that prior to street light installation, the Township would have to enter into an agreement with PP&L specifying the location of streetlights.

Correspondence dated August 17, 2001 from Mr. William Rieser, the owner of adjoining TMP #15-28-78, was received on August 22, 2001. Mr. Rieser is concerned with the possible encroachment of his driveway onto the development site, and building setback requirements along his property line. As proposed, the 100 ft. is identified along the

portion of the Rieser tract as identified as cropland. Mr. Rieser indicated that the setback should also apply to his wood lot, however Mr. Wynn's review notes that Section 406.1.2. (C) of Ordinance #98-13 establishes the setback from "cropland or pasture land." Mr. Rieser has mowed approximately 4 ft. on either side of his driveway for the last 34 years, and is concerned that if the elevation is changed or a fence is installed, it could make his driveway impassable for oil, gas, and other delivery trucks that use it regularly. Mr. Wynn advised that there is nothing proposed right at Mr. Rieser's driveway as to any significant grade change. Mr. Byrne confirmed that the applicant is not proposing any work within more than 100 ft. to the edge of Mr. Rieser's property in that particular location. The applicant will however, be proposing a graded landscape berm located at a minimum of 50 ft. from the edge of the property.

The applicant is requesting a modification to Note #25 on the plan, which places a restriction against installing anything within the 80 ft. setback line from Telegraph Road, except for a post and rail fence, public utilities, the basins, the landscaping and the walking trail. Mr. Gundlach stated that the Elliott Building Group customarily constructs a permanent monument sign for their developments and would like to do so in this case. Mr. Lippincott advised that there is no permanent development sign provision in the Zoning Ordinance, and therefore, this request would not be permitted. The applicant could appeal to the Zoning Hearing Board if they so choose.

Supervisor Snyder recalls that at a previous meeting, the applicant had agreed to consider some sort of traffic calming devices near the cul-de-sac extension of Beverly Road. Discussion took place concerning the various types of traffic calming devices that are or are not permitted by PennDot. Mr. Wynn explained that the approved types of traffic humps can be very noisy. Mr. Gundlach advised that the applicant is not in favor of installing traffic humps due to the liability involved, however they would be willing to contribute the savings from the installation of that fifth streetlight originally proposed at the cul-de-sac to be used toward traffic calming devices, if the Board so desires. The Elliott Building Group would also be willing to support the purchase of signage, such as "Slow - Children at Play" signs or speed limit signs on Beverly Road.

Supervisor Bender further recalls that the residents of Beverly Road requested that they be involved during discussions concerning when the extension of the cul-de-sac took place and the impact on their existing landscaping at the end of the cul-de-sac. Mr. Wynn believes that the residents of Beverly Road should be advised to move their existing landscaping as soon as weather permits this fall.

The Board will discuss the issues of traffic calming devices, removal of the proposed street light at the cul-de-sac extension and the landscaping issues with the residents of Beverly Road.

*Chairperson Bennington called for a 10-minute recess at 10:10PM. The meeting was reconvened at 10:20PM.

Mr. Gundlach advised that the applicant would be willing to agree to wetland basins as noted in item #8-A of the August 23, 2001 engineering review. The applicant is also willing to escrow the cost of the fifth streetlight for traffic calming devices for Beverly Road. Discussion took place. The applicant agreed to escrow \$2,500.00 to be used for traffic calming devices, including signage, in lieu of the fifth street light at the Beverly Road cul-de-sac.

Mr. Byrne has a concern with agreeing to the requirement to reduce the peak flow to the capacity of the existing 18" pipe. He believes that there is some off-site drainage area that is contributing to that 18" pipe and is not certain that the applicant would be able to reduce the peak flow to that pipe by reducing the flow from the detention basin. The concern as specified by Mr. Wynn earlier is that the developer will not be able to stay within the right-of-way during construction. If the developer does not feel he can meet the capacity, Supervisor Snyder believes that a stop work order should be placed on the project until it is resolved to the satisfaction of the Township. It is Mr. Gundlach's position that the Elliott Building Group can construct this within the right-of-way, however if they cannot, they would agree to halt construction until the matter is resolved to the satisfaction of the Township Engineer.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant conditional preliminary/final plan approval to the Hilltown Chase Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated August 23, 2001, including finalization of a sewer conveyance agreement between the Hilltown Water and Sewer Authority and Silverdale Borough, Planning Module approval, installation of wetland plantings in the basins, and receipt of \$2,500.00 for traffic signage/traffic calming techniques in lieu of a street light at the current Beverly Road cul-de-sac bulb. There was no public comment.

J. ENGINEERING -- Mr. C. Robert Wynn, Township Engineer --

1. Hartzel Strassburger Roof Bids -- Bid opening for the Community Development funded project was held this morning at 10:00AM. Bid results are as follows:

-	Weaver and Sons Roofing and Siding	\$20,480.00
-	Beres Roofing & Siding, Inc.	\$22,700.00
-	Donnelly Roofing, Inc.	\$26,140.00
-	David/Randall Associates, Inc.	\$58,375.00

Mr. Wynn explained that Mr. Jack Fox of the Hilltown Historical Society had questioned whether or not the proposed cedar shake is a hand split shake. Mr. Wynn attempted to contact the low bidder today without success, and therefore, he recommended that the bid be tabled until the next meeting pending verification that the shingles proposed conforms to the bid specifications.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to table the bid award for the Hartzel Strassburger Roof Bids until the Township Engineer can confirm that the shingle proposed by the lowest bidder conforms to the bid specifications. There was no public comment.

2. Pileggi Land Development Waiver Extension -- A written request has been received from Scot Semisch, Esq. on behalf of Joseph Pileggi to extend the time frame for completion of required improvements until March 26, 2002. At this point, most of the improvements have been installed with the exception of landscaping. No building has been constructed at the site at this time, and Mr. Wynn recommends acceptance of the extension in the land development agreement.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to accept the extension in the Land Development Agreement for the Pileggi Land Development until March 26, 2002, as noted above. There was no public comment.

3. Correspondence was received from Cherylcn Strothers, the engineer for the Anna Mary Moyer Subdivision, requesting that the Supervisors consider deferring the approval of erosion and sedimentation control measures by the Bucks Conservation District until application for the building permit for Lot #2 is submitted. Ms. Strothers indicated that the most accurate depiction of the proposed house location and limits of earth disturbance will be available for design or appropriate control measures at that time.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the request for the Anna Mary Moyer Subdivision, as noted above. There was no public comment.

K. MYLARS FOR SIGNATURE: Anna Mary Moyer Subdivision

L. PUBLIC COMMENT:

1. Mr. Jack McElhinny questioned the pedestrian bike path bid that was denied earlier this evening, and asked why the second lowest bidder was not considered. Mr. Wynn explained that the second lowest bidder was too high in his opinion, and noted that if those prices are submitted for the second bid, the Township will most likely table

the project for this year. Mr. Lippincott noted that the grant for the construction of this path is in the amount of \$130,000.00, with \$65,000.00 in funding from DCNR.

2. Mr. Charles Schaeffer of 109 Schultz Road is concerned about the fence proposed in the Heritage Executive Campus, noting that no matter what the height of the fence, children will climb it. Mr. Schaeffer feels the Township should insure that whatever type fence is proposed is a fence that a child cannot climb.

M. SUPERVISOR'S COMMENTS –


1. Although Mr. Schonour from the Philadelphia Glider Council began to antagonize the Board a bit, Supervisor Bender felt a good point was raised with regard to the Township fees for land development and building/zoning fees, particularly for farmers. Supervisor Bender suggested that the Board once again review Township fees for the coming year and consider being creative, especially in the area of farmland.

2. Chairperson Bennington stated that the State Department of Environmental Protection is accepting applications for Act 101 for recycling grants, with the application deadline of October 4, 2001. Mr. Lippincott noted that the Township has a consultant that submits those grants for us, and we should be getting a substantial grant increase for that Act.

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

P. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously, the August 27, 2001 Hilltown Township Board of Supervisors meeting was adjourned at 10:45PM.

Respectfully submitted,


Lynda Seimes
Township Secretary