

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, February 28, 2000
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:35PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson
E. Diane Parks, Supervisor
Bruce G. Horrocks, Township Manager
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor
Kerry L. Trauger, Chief of Police
Lynda S. Seimes, Township Secretary

Chairperson Bennington thanked all of his friends, relatives, neighbors, and residents for their kind gestures of cards, letters, phone calls, fruit baskets, and flowers during his time of recuperation from heart surgery.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the December 27, 1999 Board of Supervisor’s Meeting – Motion was made by Supervisor Bender, and seconded by Chairperson Bennington, to approve the minutes of the December 27, 1999 Supervisor’s Meeting, as written. Supervisor Parks abstained since she was not a member of the Board at that time. There was no public comment.

Action on the minutes of the February 14, 2000 Worksession meeting – Motion was made by Supervisor Parks, and seconded by Supervisor Bender, to approve the minutes of the February 14, 1999 Supervisor’s Worksession meeting, as written. Chairperson Bennington abstained since he was not present at that meeting. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairperson Bennington presented the Bills List dated February 29, 2000, with General Fund payments in the amount of \$47,288.12, State Highway Aid Fund payments in the amount of \$8,012.75, and Escrow Fund payments in the amount of \$1,400.52; for a grand total of all payments in the amount of \$56,701.39.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated February 29, 2000. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. John Kutzner, President – Deep Run Valley Sports Association –Mr. Kutzner, of 53 Narothyn Road, president of Deep Run Valley Sports Association was in attendance to request the Board's consideration of Deep Run utilizing the newly purchased open space property on Forest Road for practice soccer fields. Deep Run had been working with the Park and Recreation Board in an attempt to use the open space at the corner of Fairhill and Rt. 152, however that site was determined to be fiscally unfeasible. At present, there are approximately 1,000 active families participating in Deep Run's sports program, with roughly 650 of those families being Hilltown residents. This translates to approximately 1,100 children participating in Deep Run sports activities.

Mr. Nick Lupinacci, chairperson of the Park and Recreation Board, advised that representatives of Deep Run have attended meetings to discuss this issue. The Park and Recreation Board is willing to keep Deep Run's needs in mind when developing the Forest Road property, however they anticipate that it could take up to 1 year to even prepare a plan for that site. Deep Run's original letter of interest in the Forest Road property requested the possible use of 25 acres to construct a soccer complex on the site. Mr. Lupinacci noted the goal for the Forest Road property is yet to be determined by the Park and Recreation Board.

If Deep Run is out of capacity now for playing fields, Supervisor Parks asked what they intend to do in the interim. Mr. Kutzner replied that Deep Run would have to continue to use whatever fields they can, such as the Hilltown Civic Park. Deep Run presently has twenty travel teams, and they are in the process of establishing a format for teams to play at a premier level. Supervisor Bender feels that Deep Run plays an important role in Hilltown Township, and believes they should definitely be involved with Park and Recreation Board as they develop the master plan for the Forest Road site. However, when the Township purchased the open space on Forest Road, a commitment was made to the residents that the recreational facilities at that site would be beneficial to all Township residents to include basketball, baseball, soccer, walking trails, riding trails, etc.

With regard to the open space at Rt. 152 and Fairhill Road, Chairperson Bennington asked Mr. Wynn if practice soccer fields could be established on the site, without going into great expense. Mr. Wynn replied that typically, the field would be turned over, the stones would be removed, and grass would be planted, which would take quite a while to stabilize. To develop formal soccer fields at the Rt. 152/Fairhill Road site, a great deal of cut and fill would be involved due to the many slopes on the property. Mr. Kutzner believes that approximately 850 loads of fill would be required, and there is also the issue of stormwater runoff. Mr. Wynn reminded the Supervisors that the issue of stormwater

runoff is very important, and consideration must also be given to establishing parking areas. Mr. Horrocks advised that there is an AT&T easement on the property that could not be cut down into for establishing a parking lot or play fields. Chairperson Bennington if there is any way the Township can provide practice playfields at the Rt. 152/Fairhill Road site on a temporary basis for Deep Run's use. Discussion took place concerning the parking requirements for temporary playfields, and the issue of stormwater runoff.

Chairperson Bennington suggested that a meeting take place at the Rt. 152/Fairhill Road site with Mr. Horrocks, Mr. Wynn, Mr. Lupinacci, and a representative from Deep Run, to determine how much work would be required on the site and to review possible complications from stormwater management. Supervisors Bender and Parks were in agreement.

With regard to the Forest Road property, Chairperson Bennington suggested that Deep Run submit a plan to the Park and Recreation Board for review.

E. MANAGER'S REPORT – Mr. Bruce G. Horrocks, Township Manager –

1. Park and Recreation Board Recommendation – Mr. Nick Lupinacci, chairman of the Park and Recreation Board, presented Recommendation #00-1 which states "At their regularly scheduled meeting on February 10th 2000, the Park and Recreation Board voted unanimously to recommend to the Township Supervisors that they approve the engineer's plan (dated 11/12/99, Job #030-065 by Wynn and Associates) for the Pleasant Meadows Trail, subject to the items listed in the list of amendments, for submission to DCNR for phase 2 approval."

At the last Supervisor's worksession, Mr. Lupinacci presented a plan of what had been discussed with the Park and Recreation Board and the Pleasant Meadows Trail Committee. This plan listed priorities for the construction of the proposed walking trail through the Pleasant Meadows Open Space. It is Mr. Lupinacci's understanding that the plan must be submitted in March, 2000 in order to continue with the application for the Keystone Grant. Chairperson Bennington noted this is not a binding recommendation, this is just to allow the grant funding process to continue.

Mrs. Rhelda Warriner of 300 Thistle Lane, a member of the Pleasant Meadows Trail Committee, asked if the Township has reviewed the original Pleasant Meadows Subdivision plan to determine what the original open space was designated for at that time. Mrs. Warriner stated that Pleasant Meadows is a very quiet community with no through traffic, and she feels that installation of a walking path will open up the development for increased pedestrian and bicycle traffic. Mrs. Warriner does not believe

that the Township is properly maintaining the existing open space in Pleasant Meadows at present, and wondered what their intentions are to maintain the path area in the future.

Mr. Rick Lambrecht of 202 Goldenrod Court, a member of the Pleasant Meadows Trail Committee, read the following prepared statement "Thank you for the opportunity to address the Commissioners on this rather controversial issue. Before I begin, I would like to extend my thanks to Greg Lippincott and Nick Lupinacci for involving the Pleasant Meadows neighbors in the decision-making process. Unfortunately, they are among only a few public officials who have ever expressed a genuine concern over how this proposal may impact the property owners. Personally, I remain deeply disappointed in how our local government chose to deal with our neighborhood in the early stages of this proposal. First and foremost, I would urge the newest Commissioners to refrain from moving forward with this plan without a personal inspection of the affected area. The main issue has always been and will continue to be one of location, location, and location. To my knowledge, this is the first walking trail in Hilltown Township that impacts upon an already existing neighborhood. The final placement of this trail will be up to each and every one of you. If future trails are planned within our Township, this proposal will serve as a litmus test of how responsive our Commissioners were to the concerns presented tonight. Back to location, with all of the engineering and construction ingenuity we have today, it defies logic that a major section of this trail from Steeplebush Drive down along the rear of Goldenrod Court comes within 50 to 60 feet of taxpayer's backyards. Just last summer, this area was staked out to establish just how far back this section of the trail could possibly go. Roughly measured, the farthest point from my own back yard was 165 feet. The neighborhood committee that was put together by Mr. Lupinacci was cautiously optimistic. One hundred or one hundred and fifty feet away is a compromise that didn't sound too horrible. Now we find out that we're back to square one. Although I am not an engineer, let's not take the easy way out and make excuses about the degree of pitch for handicapped accessibility. Natural terrain is altered all of the time to make way for roads and new developments. It can and should be done here as well. In closing, I can tell you that there are a significant number of residents who oppose this trail in any form. However, my own opinion has softened somewhat, and I'll admit that my kids will be among the first to use this trail until the novelty wears off. However, being a "good neighbor" and doing what is in the community's best interest, shouldn't mean that our concerns go ignored or trivialized. One last question, if it was your back yard, would you want this trail 50 or 150 feet away? Please come out and take a look for yourself before making a decision that will impact some homeowners for a lifetime."

Mr. Jeff Bush of 812 Hillcrest Drive, a member of the Pleasant Meadows Trail Committee, is neutral to the installation of the proposed walking trail. He likes the idea of bike/pedestrian trails throughout the Township, and is sure that his children will also

make use of them. Mr. Bush is most concerned about the issue of security, and hopes that if the trail is constructed, it is policed properly, preferably on a daily basis.

Mr. Lupinacci advised that there were five members on the committee and these three individuals presented the concerns of all members this evening. There were several different areas of discussion by the Committee, which included location, construction, security, and maintenance. Several points noted by the Committee was that there would be no lighting, no fencing, no trash containers, no benches, and run-off concerns in a particular area near the pump house. The trail must be ten ft. wide with two ft. wide buffers on either side, per ASHTO requirements. Chairperson Bennington wished to make it clear that by the Supervisors accepting the Park and Recreation recommendation, the Township is merely proceeding with the continuation of obtaining the Keystone Grant funds, and nothing is carved in stone. Mr. Lupinacci advised the location was the most important issue of discussion for the Committee. At one time, the Township defined the area in which the trail could be constructed, which did include areas of up to 100 ft. from property lines, however after further review, that was not a complete possibility. The closest the proposed trail will come to a property line is within 10 feet.

Supervisors Bender and Parks will make arrangements to walk the proposed trail. Chairperson Bennington has lived in that area since the site was an apple orchard, so he is very much aware of where the trail is proposed. Supervisor Parks has lived in communities that offered walking trails, and commented that when they are done well, they are extremely productive for all the members of the community. In general, Supervisor Parks feels the Supervisors must balance all the comments heard this evening, and believes walking trails can help add a sense of community to all areas of the Township.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve Park and Recreation Recommendation #00-1 to continue the Keystone Grant approval process, as stated above. There was no public comment.

2. ASA Advertising – Mr. Horrocks requested authorization to advertise for an addition to the Agricultural Security District. The Township has received an application from a property owner to join the Agricultural Security District of Hilltown Township. The ASA was formed in this Township approximately 12 years ago. The members of the ASA review board include Calvin Weikel, William Bennett, Bob Wendig, Jr., Ken Beer, and Mr. Horrocks. Act 43 of Pennsylvania (ASA) assists active farmers with nuisance complaints such as odors, noises, etc. of what was once considered an active farm. This Act also provides a stepping stone to enter into Act 319 and Act 515, which are the other agricultural acts dealing with reductions in real estate taxes for property owners. In no way should the Agricultural Security Area be confused with the current Agricultural Preservation Zoning that the Planning Commission and Board of

Supervisors are currently considering. ASA also affords the landowner extra protection from municipal condemnation proceedings, by requiring a separate hearing in Harrisburg in front of a particular board, which is totally over and above any other condemnation.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize advertisement to begin the process for an addition to the Agricultural Security Area. There was no public comment.

3. Traffic Accident Reconstruction Course Approval – Mr. Horrocks is seeking authorization for a police officer to attend a Traffic Accident Reconstruction course in the amount of \$500.00.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the expenditure of \$500.00 for a police officer to attend a Traffic Accident Reconstruction course, as noted above. There was no public comment.

F. CORRESPONDENCE –

1. Correspondence was received from the Boy Scouts who use the former municipal building in Blooming Glen, requesting permission to store a small utility trailer in the parking lot of that building.

Motion was made by Supervisor Bender, seconded by Supervisor Parks, and carried unanimously to allow the Boy Scout troop that uses the former municipal building in Blooming Glen to store a small utility trailer in the parking lot of that building. There was no public comment.

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

1. Solicitor Grabowski presented a Sewage Facility Maintenance Agreement for the Seylar Elementary School, which has been executed by the Pennridge School District, for signature by the Board of Supervisors following this meeting. The Township has also received an escrow in the amount of \$2,500.00 for this facility.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve and execute the Seylar School Sewage Facility Maintenance Agreement. There was no public comment.

2. Solicitor Grabowski presented the J.M. Grasse Land Development and Financial Security Agreement for the Board's execution.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve and authorize the execution of the Land Development and Financial Security Agreements for the J.M. Grasse Land Development. There was no public comment.

3. Solicitor Grabowski presented Resolution #2000-11 to accept the Declaration of Easement that has been offered by the Pennridge School District for the J.M. Grasse Land Development.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-11 to accept the Declaration of Easement for the J.M. Grasse Land Development.** There was no public comment.

Mr. Wynn commented that the adoption of this Resolution and the execution of the Land Development and Financial Security Agreements will allow the Pennridge School District to move forward with submission of the Planning Modules, which were passed by the Supervisors approximately two months ago.

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

1. Eckerd Drug Land Development – Mr. Wynn explained the applicant requested that this plan be tabled and have granted an extension until March 31, 2000. No action required at this time.

2. Orchard Hill Subdivision – At their meeting of February 21, 2000, the Planning Commission unanimously approved a motion to realign the Orchard Hill Subdivision access road intersection with Rt. 152 so that it is opposite the proposed entrance to the C.D. Moyer Farmers Market. This would place the access road in the Township owned open space from the Sterling Knoll Subdivision and require dedication of additional Orchard Hill Subdivision land to offset the roadway right-of-way within the open space area. Mr. Robert Bender and Mr. David Watt of Heritage Building Group were present this evening to present a sketch plan identifying the proposed alignment for the Board's consideration. The applicant is seeking conceptual approval prior to preparing roadway design plans and meeting with PennDot to review access requirements. It is Mr. Wynn's understanding that if the Supervisors endorse the concept, PennDot will discuss improvements, intersection design, and possible signalization of the intersection. A lengthy discussion took place as to when the revised traffic study would be required. Mr. Wynn believes that the finalization of the intersection design and traffic concerns could be made a condition of final plan approval, however there are still outstanding issues to be rectified with respect to open space and clearing that must be resolved prior to preliminary plan approval.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the realignment of the Orchard Hill access road intersection with Rt. 152 so that it is opposite the property entrance to the C.D. Moyer Farmer's Market, subject to no loss of Township-owned open space, submission of a revised traffic study and resolution of the final design detail. There was no public comment.

Mr. Bender presented architectural renderings of the proposed townhouses and the clubhouse to be constructed at the Orchard Hill Subdivision site. It is anticipated that the selling price of the townhouse units will be \$190,000 to 210,000. Ms. Curtin will provide additional architectural renderings of the proposed units, including apartments, in the near future.

3. Longleaf II Subdivision – Mr. Robert Bender of Heritage Building Group presented information concerning the proposed easement for the potential pedestrian footpath across Adolph Jager's driveway. Mr. Jager is concerned with the proposed pathway across his driveway and has asked for a potential re-routing of the pedestrian pathway. If the footpath was installed as originally proposed and designed, it would cross Mr. Jager's private driveway, which could cause a potential safety hazard and liability. Mr. Jager is also concerned about the loss of privacy due to the footpath passing in the front yard of his dwelling. Mr. Bender is suggesting that only the pedestrian footpath be re-routed, while the utility easement and the Township's maintenance easement would remain. The footpath could run up behind Mr. Jager's property, behind the pine trees and closer to the rear yards of the Longleaf units, without passing across his front yard or crossing his private driveway. Mr. Jager would be willing to grant the necessary easement if the Supervisors were so inclined. The easement itself has been granted and will remain on the plans, and a note would be placed on the plan advising that the primary easement across Mr. Jager's driveway would remain for utilities and for Township use for municipal vehicles for maintenance. Both the Park and Recreation Board and the Open Space Committee recommended that Mr. Jager's request be approved, however the Planning Commission did not support the revision, because they felt it was important to have potential access along the stream. Mr. Watt commented the detention basins near Mr. Jager's property are fenced all the way to the stream, as per the Ordinance. Therefore, if the pedestrian pathway were to remain as proposed, it would dead-end at the detention basin fences. Discussion took place.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to revise the Longleaf II plan, to reflect the movement of the potential pedestrian footpath from Mr. Jager's driveway easement to the rear of his property, behind the Longleaf II lots; and to allow the Township easement and the utility easement to remain across Mr. Jager's driveway. There was no public comment.

Mr. Adolph Jager of 1235 Diamond Street advised there is a provision in Section 535 of the Zoning Ordinance that allows for agricultural use of open space, which can either be leased or sold, provided the area meets the agricultural use specifications as described in Section 406. The Township has indicated that it requires all open space of the Longleaf Subdivision to be deeded to the Township. It is the opinion of both the Open Space Committee and the Park and Recreation Board that open space areas "D" and "E" of the Longleaf Subdivision could be leased, renewable every two or three years. Further, Mr. Jager noted Mr. Fox of the Planning Commission has spoken in support of Mr. Jager's request to lease the open space land for agricultural use. If the Supervisors would be agreeable to this request, Mr. Jager would maintain the entire open space area, whether it is used for farming or not, by mowing the detention basins and using the remaining land for livestock grazing. Chairperson Bennington wondered why Mr. Jager sold so many acres to Heritage Building Group for development, if he was concerned about providing grazing space for his sheep and cattle. A lengthy discussion took place.

The Supervisors unanimously agreed to table this matter for further discussion.

4. Fedele Tract – This minor subdivision is located on Rt. 152, south of Hilltown Pike, and was unanimously recommended for denial by the Planning Commission unless an extension is received from the applicant no later than March 16, 2000. Since the initial submission on December 1, 1999, there has been no response from either the applicant or the design engineer.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to deny the Fedele Tract Subdivision, unless the applicant provides a written extension no later than March 16, 2000. There was no public comment.

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

1. Calvary Church – There are miscellaneous clean up items remaining at the Calvary Church Land Development site. A list of these items was provided to Calvary Church of Souderton per correspondence dated February 7, 2000, which contained weather related items that cannot be completed until spring. Currently, the time frame for completion of improvements at the site expires on March 16, 2000. The Union National Bank and Trust Company Letter of Credit has been extended until January of 2001. Accordingly, Mr. Wynn recommended extending the completion date until January 2001, although he suspects the church would complete all the improvements prior to that date. The applicant also requested a reduction in the current Letter of Credit from \$431,000.00 to \$25,000.00 for the balance of the period.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to allow the reduction of the Letter of Credit for Calvary Church from

\$431,000.00 to \$25,000.00; and to accept the extension for public improvements until January of 2001. There was no public comment.

2. Lynrose Estates - Mr. Wynn explained this subdivision is presently under construction. The original plan required installation of 68 Norway Maple street trees along the proposed interior roadway. The developer is requesting that the Norway Maples be revised to Green Ash and White Ash trees. Mr. Wynn noted that Norway Maples are no longer on the Township-approved list due to problems experienced with roots and dense shade.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant the request of the developer of the Lynrose Estates Subdivision to plant 68 Green Ash and White Ash street trees, instead of the originally approved 68 Norway Maple street trees. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mr. Andy Miele of 21 Yarrow Court recently submitted permit applications to install a swimming pool in his back yard. One of the reasons the permit was denied is because the lot is a double frontage lot. Chairperson Bennington explained that the issue of double frontage lots would be addressed in the near future, once a review of the proposed Ordinance revision is received from the Bucks County Planning Commission. Another reason the permit was denied was because the location of the proposed pool deck was within the setback requirements for the deed restricted open space. Discussion took place. Mr. Miele was directed to meet with the Zoning Officer and Mr. Horrocks tomorrow morning to review the permit application.

Mr. Miele asked how homeowners with deed restricted open space could remove that deed restriction. Chairperson Bennington replied that Ordinance regulations required deed restricted open space for that particular development during the approval process, and the restriction cannot be removed.

2. Mrs. Jean Bolger of Rt. 152 asked why the Supervisors did not consider the Planning Commission's recommendation with regard to the relocation of the proposed walking path through Mr. Jager's property, prior to making a decision. Chairperson Bennington's opinion was that there would be no reason to continue a walking path that would eventually run into a fence line, although he agreed that the Supervisors should have given the Planning Commission an opportunity to clearly explain their recommendation. Chairperson Bennington felt the entire issue was an

obvious choice. If the Planning Commission made the effort to make a recommendation, Mrs. Bolger felt the Supervisors should at least consider their recommendation.

3. Mr. Ray Fegley of 105 Rosewood Drive presented the 1999 Annual Report of the Telford Fire Company.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Parks advised that the Betty Kelly Memorial Tree Planting ceremony will take place on Saturday, April 22, 2000 at 10:00AM at the Hilltown Township Municipal Building.

2. Supervisor Bender welcomed Chairperson Bennington back from medical leave.

3. Chairperson Bennington commented that the bridge on Walnut Street, near South Perkasio Road has become very dangerous since PennDot removed the red flashing warning lights. Chairperson Bennington directed Mr. Horrocks to contact PennDot to request that the red flashing warning lights be erected once again.

4. Chairperson Bennington encouraged residents to attend the Walkable Communities seminar on Saturday, March 18, 2000 from 8:30AM to 4:00PM. Mr. Lippincott, Assistant Manager, can provide more details.

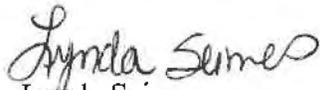
5. Bedminster Township will hold a Land Conservancy meeting on Tuesday, March 21, 2000 at 7:30PM. Chairperson Bennington is not certain he will be able to attend, however he encouraged Supervisors Bender and Parks to attend. Further, Chairperson Bennington feels Hilltown Township should consider forming a Land Conservancy committee.

6. The Police Department issued its first fine last week with regard to cell phone use while operating a vehicle in Hilltown Township, in conjunction with a speeding motorist on Rt. 309. The motorist intends to appeal this fine by arguing that he is not from the area, and was not aware of the Cell Phone Ordinance in the Township. Chairperson Bennington commented that there are many Ordinances in this and every other Township that people may not be aware of, and therefore, he feels the motorist is using a very weak argument. If and when this particular motorist appeals the violation, Chairperson Bennington intends to have every newspaper and television station represented, as well as himself and Mrs. Pena, in order to make it very difficult for Judge Gaffney to refuse to uphold this violation. Chief Trauger advised the hearing will be held in Judge Gaffney's office on March 31, 2000 at 9:15AM.

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

N. ADJOURNMENT: Upon motion by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously, the February 28, 2000 Supervisor's meeting was adjourned at 9:45PM.

Respectfully submitted,


Lynda Seimes
Township Secretary