

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, December 27, 1999
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

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

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES -- Action on the minutes of the November 22, 1999 Board of Supervisor's meeting -- Supervisor Bennington noted the following correction to page 29, 6th paragraph, which should state "*11:32PM -- Chairman Bennett called for a recess in order to **understand** the legal options and ramifications involved with a possible deemed approval of this plan, **at the behest of the Township Solicitor.**"

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 22, 1999 Supervisor's meeting, as corrected. There was no public comment.

Action on the minutes of the December 13, 1999 Worksession Meeting - Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 13, 1999 Worksession meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated December 28, 1999, with General Fund payments in the amount of \$69,472.31, State Highway Aid payments in the amount of \$1,359.20, and Escrow Fund payments in the amount of \$3,216.89; for a grand total of all payments in the amount of \$74,048.40.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated December 28, 1999, subject to audit. There was no public comment.

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D. CONFIRMED APPOINTMENTS:

1. Mr. Dan Paci – Subdivision Waiver Request – Mr. Paci was in attendance representing Peter Rotelle and Keith Miller, requesting the removal of a restriction from a subdivision plan of approximately 15 years ago, for land on Fairhill Road. Tax parcel #15-24-61 consists of approximately 4.155 acres and contains an existing single-family dwelling and barn. Tax parcel #15-22-78-2 consists of approximately 3.871 acres of vacant land. The dwelling parcel and the land parcel are adjacent parcels of ground. The land parcel has a 50 ft. wide easement across the northern sideline of the dwelling parcel to permit vehicular and pedestrian traffic from Fairhill Road to the land parcel. The tax map from the Bucks County Board of Assessment shows these two parcels as separate lots. A flag lot consisting of approximately 52 feet in width borders both the land parcel and the dwelling parcel to the south connects Fairhill Road to tax parcel #15-22-78. The dwelling parcel and land parcel at one time were part of a larger parcel of ground. These two parcels were subdivided and that subdivision plan contains the following note concerning the land parcel:

“To be conveyed to William J. and Perna P. Baier
and combined in single ownership with land shown
hereon as TMP #15-24-61. Not to be sold separately.”

For reasons unknown, the Baiers never followed through and combined the parcels. The Baiers then sold the parcels in two separate transactions to the Taggs, who then sold the dwelling parcel separate to family members. The Taggs then sold the parcels in two separate transactions to the Millers. The Millers then sold the land parcel to the Rotelles.

It is Mr. Paci's understanding that the restriction referenced above was included on the subdivision plan because the Baiers were unable at the time to obtain the required approvals from the Bucks County Department of Health to install a septic system on the land parcel. Given certain scientific advancements in the design and operation of septic systems since the recordation of the subdivision plan, the Millers and the Rotelles have been able to obtain the approval of the Bucks County Health Department to install a septic system on the land parcel.

Notwithstanding the Millers' and the Rotelles' right to combine the parcels, then subdivide them and create three separate building lots, the Millers' and the Rotelles' preference would be to forego this right and build one single family dwelling on the land parcel. However, in order to proceed with the construction of a single family dwelling on the land parcel, without having to combine and re-subdivide the parcels, the title company has required the Millers and the Rotelles to request the Board of Supervisors to approve the removal of the restriction referenced on the subdivision plan. In return for the Supervisors agreement to remove this restriction, the Millers and the Rotelles would

be willing to deed restrict both the dwelling parcel and the land parcel against any further subdivision.

Mr. Wynn advised this subdivision created a parcel of land that had no road frontage, and that parcel of ground, by notation on the plan, was to be consolidated with an adjoining piece of ground. Otherwise, the lot that was being developed did not comply with Zoning Ordinance requirements. The plan contained a note for that purpose requiring the consolidation of the two parcels into one. Apparently, the buyer of the property at that time subsequently sold the property, and somehow during the course of the intervening years, the parcel was sold separately. Mr. Wynn noted that piece of ground as a separate parcel does not comply with the Zoning Ordinance since it has no street frontage and does not qualify as a flag lot since it is not ten acres in area. Mr. Wynn believes the parcels should be consolidated into one parcel, as required by the original subdivision plan and if the owners would care to subdivide this property, submit a subdivision plan in conformance with the current standards of the Zoning Ordinance.

Mr. Paci is concerned with the amount of time and expense involved in consolidating and then subdividing the property. Mr. Paci noted the lots were actually sold separately a number of times in the past. Mr. Wynn reminded the Board that if the plan comes in for subdivision today, it would not have the same lot configuration as the original plan, unless there was a Zoning Hearing Board approval and variance granted from the current Zoning regulations. The parcel has no road frontage and does not qualify as a flag lot, and could not be created in its current configuration as a building lot. Solicitor Grabowski believes the Zoning Officer has given the same opinion as the Township Engineer, and given that this is a zoning matter, he believes the Zoning Officer's decision should prevail.

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

1. Last week, the Township was presented with a check in the amount of \$398,250.00 from the Bucks County Open Space Program for the first acquisition of Hilltown Township's open space program. A condition of that check is the adoption by the Supervisors of the Declaration of Covenants, Conditions and Restrictions from the Bucks County Open Space Program.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to adopt the Bucks County Open Space Program's Declaration of Covenants, Conditions and Restrictions for the purchase of the Owen Rice Property. There was no public comment.

2. Mr. Horrocks requested a motion to move \$40,000.00 of interest from the Escrow Account into the General Fund Account, which is an annual motion requested to provide for a monetary switch of interest funds available for Township use.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to move \$40,000.00 of interest from the Escrow Account to the General Fund Account. There was no public comment.

3. A memo from the Hilltown Township Water and Sewer Authority was presented, advising that the Authority has completed all necessary hardware and software modification to insure year 2000 compliance. Testing and verification of computer system software was completed in July of 1999, and the Authority is confident that their current year 2000 plan will enable them to conduct a smooth transition and not impede any service to their customers.

Mr. Groff, manager of the Authority, along with Mr. Horrocks, Mr. Buzby, several Public Works employees, and additional police officers will be on duty New Years Eve beginning at 11:00PM to insure Y2K compliance.

4. Mr. Horrocks presented the proposed year 2000 Budgets for the Board's adoption, which have been advertised, as required by law. To date, no resident has requested review of said budgets.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to adopt the year 2000 General Fund Budget in the amount of \$3,396,809.00, with no tax increase. There was no public comment.

Chairman Bennett noted the Township would go into the new year with a budget surplus of \$135,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to adopt the year 2000 Fire Fund Budget in the amount of \$122,627.00. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to adopt the year 2000 Debt Service Fund Budget in the amount of \$309,052.00. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to adopt the year 2000 State Highway Aid Fund Budget in the amount of \$276,623.00. There was no public comment.

F. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented a proposed Resolution concerning the establishment of regulations for Hilltown Township residents to hold community events, block parties, and similar assemblies. Discussion of this matter has taken place over the past several months, resulting in a list of local streets which the Township staff has provided that would comply under the Subdivision/Land Development Ordinance for the definition of "local street." Other changes that have been made to the proposed Resolution is that there is now an attached sample letter by which residents would make application to the Supervisors requesting consideration to use a specific street for a community event. The letter would have to be provided to the Township 30 days prior to the event for review. An application fee must also be established by the Board of Supervisors, which would be a non-refundable payment to Hilltown Township to reimburse the Township for the expense of providing for the erection and dismantling of appropriate barricades by the Public Works Department, and for any appropriate newspaper notice or other expenses. The Township staff has recommended an application fee of \$50.00 per event. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-36, adopting the Block Party Resolution**, and to establish a \$50.00 application fee. There was no public comment.

2. Solicitor Grabowski presented a proposed Resolution concerning the establishment of the Hilltown Township Board of Appeals, under the 1999 Building Code. On October 16, 1999, the Township adopted the 1999 edition of the BOCA Code. As a result, a Board of Appeals must be appointed in the event there are any applications for relief from provisions of that Code. Mr. Taylor, the Building Inspector, has recommended the following individuals to serve on that Board: Mr. Joe Phillips, AIA, of George Donovan and Associates; Ms. Maureen Purcell, PE, of Ludwig Engineering; Mr. Larry Rice, President of L. Rice Electric; Mr. Mike Pompeii, President of Pompeii Builders; and Mr. Dave Hirsh of Hirsh Mechanical. The proposed Resolution further suggests that upon appointment, there will be a staggered term of one through five years for the five individuals.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-37, to establish the Hilltown Township Board of Appeals, as noted above**. There was no public comment.

3. Solicitor Grabowski presented a proposed Resolution establishing a filing fee for the Board of Appeals in order to cover the expense of hearing, legal counsel, and a stenographer. The Township staff recommended a filing fee of \$500.00 for this purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99, to establish a \$500.00 filing fee for the Board of Appeals hearing.** There was no public comment.

***8:00PM – TWO PUBLIC HEARINGS: 1) To consider adoption of an Ordinance defining and regulating use of mobile telephones in Hilltown Township while operating a motor vehicle and declaring an emergency; 2) To consider adoption of an Ordinance to confirm and re-establish the Hilltown Township Planning Commission, providing for appointment of members, removal of members, organization, powers and duties of the Planning Commission, and repealing an Ordinance adopted on March 8, 1958.**

Solicitor Grabowski explained that the Supervisors have had discussions during the past several months concerning the adoption of an Ordinance regulating the use of mobile telephones in Hilltown Township while operating a motor vehicle. Copies of the proposed Ordinance have been made available here at the Township Building, and the Ordinance has been appropriately advertised in the Doylestown Intelligencer.

It is the position of the Township of Hilltown that the operation of a motor vehicle on public roadways while using a telephone may cause the operator to maintain less than full-time attention of said motor vehicle. The Township of Hilltown further believes that the regulation of the use of mobile telephones while operating a motor vehicle in the Township will enhance the safety of those persons operating motor vehicles, as well as other drivers, passengers, pedestrians and the general populace of Hilltown Township. Proposed restrictions include the following: A) No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the "Use" of a mobile telephone unless the operator maintains both hands on the applicable steering device. B) Division (A) of this Section does not apply to a person who is using the mobile telephone to contact public safety forces, or while maintaining the vehicle in the "park" position either on public or private property, or with a "hands-free device" which allows the operator to maintain both hands on the vehicle while using the mobile telephone. The provisions of this Ordinance shall not apply to law enforcement officers, operators of emergency vehicles when on duty and acting in their official capacities, or the use of emergency 911 phone numbers shall not be prohibited for any person operating a motor vehicle in Hilltown Township.

Public Comment:

1. Mrs. Patricia Pena of 407 S. Sixth Street, Perkasio is the mother of Morgan Lee Pena, who was killed in the tragic accident at Rt. 152 and Rickert Road. On behalf of her family, Mrs. Pena thanked the Supervisors for bringing this issue up for vote. Since the death of their daughter, Mr. and Mrs. Pena have come to realize the risks involved when talking on a cell phone while driving. Mrs. Pena would like to believe that if the cell phone companies had done their job to make consumers properly aware of their own published safety recommendations to make calls while not in motion, this accident could have been prevented. Since their outright refusal during meetings with Senator Conti to do any such public education, it has become necessary for the public to handle this matter themselves. Mrs. Pena does not want her message to be misconstrued that she is opposed to the use of cell phones, because she is not. She has a cell phone and intends to keep one in her vehicle's glove box in the event of an emergency. Mrs. Pena read the following statement from the owner's manual of her own cell phone which states "For your safety, road safety comes first – don't use a hand-held phone while driving; park the vehicle first." Mrs. Pena applauds the Supervisors for taking the first step in this very important issue. Cell phones are good safety tools, however they are not toys and their use in moving vehicles should be taken very seriously. We can not ignore published statistics such as a report in the New England Journal of Medicine, noting the quadrupling effect in accident rates while using a cell phone, equivalent to driving with a blood alcohol level at the legal limit. There will come a time when motorists can not only talk on a cell phone, but access the Internet, send faxes, check e-mail, or trade stocks, all while driving vehicles. Mrs. Pena is aware that in the next decade, high tech firms are preparing to flood the market with other gadgets to make our cars mobile into offices. In the words of an auto industry consultant, William Pritchard, as quoted in USA Today "All the in-car conveniences raise serious safety concerns. We may have reached a point where the courts need to say enough is enough." Mrs. Pena realizes that nothing anyone can do will bring her daughter back, but hopefully the adoption of this Ordinance will save another life.

2. Mr. Richard Devery of Shirley Lane referred to the accident of November 2nd, which was a dreary, rainy day with patchy fog, and was a lousy day for driving. That intersection is not far from Mr. Devery's home and he considers it a dangerous intersection that has been the site of numerous accidents. The cause of that accident was a vehicle that ran a stop sign due to a distraction. It is quite obvious to Mr. Devery that the proposed Ordinance does not seem to be based on fact. Mr. Devery contacted Senator Conti's office asking for PennDot statistics concerning accidents and causes of accidents, that he has not been able to provide. Mr. Devery does not believe that a cell phone is any more of a distraction than someone tuning in a car stereo, talking on a CB radio, shifting a manual transmission, or tending children or animals in the vehicle. Mr. Devery asked if the Supervisors could produce any statistical information that would

show cell phone use has created a significant impact on accidents, as compared to other factors. The intersection of Rickert Road and Rt. 152, along with Fairhill Road and Rt. 152, has been the scene of numerous accidents over the years, including a fatal collision with a motorcycle. Mr. Devery wondered if the Township has considered doing anything to improve the safety of those two intersections for accidents that occurred without cell phones being involved.

Mr. Devery referred to Section V – Uses; Restrictions, which states that “No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the “Use” of a mobile telephone unless the operator maintains both hands on the applicable steering device.” and asked if by this language, the Supervisors are implying that the only way to safely operate a vehicle is with both hands on the wheel. If so, Mr. Devery wondered if the Supervisors are implying that a handicapped person, possibly without two hands, cannot operate a motor vehicle safely. Mr. Devery does not believe that this is any different from the other distractions he mentioned earlier. Mr. Devery feels that this Ordinance is just one more law that is chipping away at an individual’s freedom, while ignoring the individual’s lack of responsibility.

Chief Trauger noted that the Police Department, the Administrative staff, and the Public Works Department have been ordered not to talk on a cell phone while operating any Township vehicles. Further, Chief Trauger agreed that it is about time that each motorist takes responsibility while operating a vehicle.

3. Mr. John Gillespie of 310 Moyer Road and deputy chief of the Silverdale Fire Company advised that it is the Silverdale Fire Company’s standard operating procedure not to permit the use of cell phones while operating a fire truck.

4. Ms. Brady of 31 S. 4th Street in Perkasio was in attendance in support of the Pena family and commended the Hilltown Supervisors for taking this stance against cell phone use while operating a motor vehicle. Hilltown Township is only the second community in the country to even consider such a measure. Ms. Brady advised that the only way to collect statistics of accidents caused by cell phone use is for those involved in accidents to provide those statistics at the scene. If there are no laws prohibiting cell phone use while driving, there is no way to gather that information. Ms. Brady totally supports this proposed Ordinance and urged the Board of Supervisors to pass it.

5. Ms. Chris Olsen, a friend of Mr. and Mrs. Pena, is a registered nurse who works at Doylestown Hospital, and once lived in Hilltown Township. Ms. Olsen totally supports the passage of this Ordinance. The reason Senator Conti could not provide statistics to Mr. Devery is because the law is not required to collect that data. From what Ms. Olsen has been able to discern, there is nothing in the law books comparing reckless driving and vehicular homicide. Ms. Olsen is appalled that the driver of the vehicle that

caused the death of Morgan Pena will be penalized with nothing more than 2 points and a \$50.00 fine. Ms. Olsen works in an area of the hospital that provides emergency care, and there have been numerous times that she was told about an accident caused by cellular phone use. Ms. Olsen disagrees that using a cellular phone is the same as adjusting a car stereo or eating while operating a vehicle, because she believes using a cell phone takes a higher level of thinking. Ms. Olsen commented there are educated, intelligent people who have already made a decision not to use cell phones while behind the wheel of a moving vehicle. Unfortunately, there are uneducated, unintelligent people still using this lethal combination.

Mrs. Pena advised that she will provide a 68-page report from PennDot that stipulates cell phone related accidents that occurred within construction sites.

6. Mr. Mike Hudack of 129 Green Street, who is Morgan Lee Pena's grandfather, feels lack of responsibility of motorists is the key issue at hand. Discussion took place.

As an elected Township Supervisor, Supervisor Bennington believes it is his responsibility to protect the health, safety, and welfare of the residents of Hilltown Township. Supervisor Bennington feels he is one of the most liberal Republicans in all of Bucks County and he is not attempting to infringe upon people's civil rights. Supervisor Bennington and his family members are cell phone users, and he noted that the Township collects rental fees for a cell phone tower located behind this municipal building. It is not his intent to eliminate or preclude the cell phone industry, rather Supervisor Bennington is trying to insure that people act responsibly. Supervisor Bennington stated that the proposed Ordinance is not a primary Ordinance, rather it is a concurrent Ordinance. The requirements of the proposed Ordinance is that police officers can not stop motorists just for using a cell phone while operating a motor vehicle, but only if they are also driving erratically, tailgating, or going through stop signs. If during that, they are stopped by a police officer while using a cell phone, they will receive a concurrent fine of \$75.00. Supervisor Bennington spoke to the mayor of Brookline, Ohio this morning, which is the first municipality in the United States to implement this law, who encouraged the Supervisors to adopt this Ordinance because it will save lives. If this Ordinance saves only one life, Supervisor Bennington believes it is well worth it. In 1985, there were 200,000 cell phone subscribers, but last year there were 70 million cell phone subscribers and that number continues to increase every day.

Supervisor Bennington received correspondence from Mr. John R. Mackley of Lititz, Pennsylvania, who is a 6-year veteran traffic control technician for a major road construction company that operates in Lancaster County. Supervisor Bennington quoted a section of this letter which states "I have witnessed hundreds, if not thousands, of operators using cell phones while driving, and I might add have seen hundreds of near-

misses of my fellow workers having to jump out of the way, traffic control devices being hit, and flaggers having to take emergency action to inform my fellow workers to get out of the way before they are hit." PennDot has expressed disapproval of the proposed Ordinance, and Supervisor Bennington feels that PennDot should read this letter and consider themselves lucky that motorists talking on a call phone while driving haven't killed some of their own employees.

Approximately a month ago, Supervisors Bender and Bennington were sharing research information they found on the Internet. One thing that struck Supervisor Bender was that the percentage of cell phone users while driving were 30-35% more apt to be involved in an accident than if they were not using a cell phone. Supervisor Bender noted that there are definite differing levels of distractions while driving, however a complex cell phone conversation is the number one distraction. Last week, Supervisor Bender visited an Internet website "insweb.com" which is a site used by insurance companies to offer their product. This website contains a two or three question test that Supervisor Bender took. Based upon his answers concerning using a cell phone in a vehicle, it would take Supervisor Bender an additional 64 feet to stop, based upon the type of usage and the speeds that he drives. That was enough to convince Supervisor Bender that the proposed Ordinance should be adopted.

Chairman Bennett expressed his sincere condolences to the Pena family, noting that it was a terrible tragedy. He has wrestled with this decision for several weeks because he does not know how it is possible to legislate people's behavior. There is a problem with many distractions while driving - eating, putting on make-up, even reading the newspaper. Chairman Bennett is also concerned about enforcement of this Ordinance, and has spoken to two police chiefs and several lawyers who do not believe this law will stand up in court if it is challenged. He is also not happy with the Ordinance being a secondary offense, even though he realizes this is the best Hilltown can do under the circumstances since such regulations are not found in the Pennsylvania Motor Vehicle Code. Chairman Bennett would rather see this law as a primary offense. He also feels that the \$75.00 fine is not steep enough. Fortunately, Senator Conti is tackling this same issue, and Chairman Bennett hopes that he is successful on the State level. Supervisor Bennington advised that Senator Joe Conti enthusiastically supports this local Ordinance, and hopefully, it will prod the State Legislators to pass similar legislation in the state of Pennsylvania.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously **to adopt Ordinance #99-14, defining and regulating the use of mobile telephones in Hilltown Township while operating a motor vehicle.** There was no public comment.

*Chairman Bennett called for a 10-minute recess at 8:37PM. The Public Hearing was reconvened at 8:55PM.

8:55PM - PUBLIC HEARING (Continued)

This proposed Ordinance would confirm and re-establish the Hilltown Township Planning Commission, providing for the appointment of members, removal of members, organization, powers and duties of the Planning Commission; and repealing an Ordinance adopted on March 8, 1958.

Public Comment: None.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously **to adopt Ordinance #99-15, to confirm and re-establish the Hilltown Township Planning Commission, providing for the appointment of members, removal of members, organization, powers and duties of the Planning Commission; and repealing an Ordinance adopted on March 8, 1958.** There was no public comment.

*The advertised Public Hearing was adjourned, and the regularly scheduled meeting of the Hilltown Township Board of Supervisors of December 27, 1999 was reconvened at 9:00PM.

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

1. Hilltown Plaza Outparcels (Prel.) – The Planning Commission unanimously recommended preliminary plan approval of the Hilltown Plaza Outparcels Land Development with a proposed bank and fast food restaurant conditional upon the following:

- A lot line adjustment subdivision plan must be prepared and submitted in accordance with Township Subdivision Ordinance regulations. Zoning dimensional requirements for both Use E6 and E16 must be included on the plan.
- Parking calculations must be included for both the shopping center and separate parking calculations for Use B6. Parking calculation must verify that there is adequate parking on the site as required by Zoning Ordinance regulations.
- Zoning Hearing Board approval must be obtained by the applicant to increase the impervious surface to 81%. The applicant has indicated that a Zoning Hearing is scheduled for January 20, 2000.

- Zoning Hearing Board approval must be obtained for the proposed reduction in the stacking lanes for vehicles for the proposed bank.
- Public water and sewer facilities must be approved by Telford Borough Authority. Additionally, written comments must be received from the servicing fire company regarding site accessibility and hydrant locations for fire fighting purposes.
- Site lighting must be indicated on the plan in conformance with Section 526 of the Subdivision/Land Development Ordinance.
- "One Way" signs and/or pavement markings must be provided within parking areas for the bank and Wendy's Restaurant site to clarify traffic patterns.
- Development/Financial Security Agreements must be executed between the developer and the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant preliminary approval to the Hilltown Plaza Outparcels Land Development, pending completion of all outstanding items as noted above, and pending receipt of the Zoning Hearing Board decision. There was no public comment.

2. Pileggi Land Development (Final) – The Pileggi Land Development located on Rt. 313 was unanimously recommended for final plan approval by the Planning Commission, subject to the following conditions:

- The sand mound design/permit is based on a total sewage flow of 795 gallons per day. A water meter must be installed on the water supply to allow water/sewage flows to be monitored by the Township and/or Bucks County Department of Health to verify compliance with the sewage system permit requirements. (The applicant has agreed to comply).
- Note must be added to the plan to clarify that the driveway culvert on the Scholl property downstream from the discharge of the detention basin will be replaced as requested by the Scholl's. (The applicant has agreed to comply).
- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of public improvements. (The applicant has agreed to comply).

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the Pileggi Land Development, pending completion of all outstanding items as noted above. There was no public comment.

3. A & T Subaru (Prel.) – The Planning Commission unanimously recommended denial of the preliminary A & T Subaru Land Development Plan unless an extension is received from the applicant by January 14, 2000.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the A & T Subaru Land Development, unless a written extension is received from the applicant by January 14, 2000. There was no public comment.

4. Reckner Subdivision (Minor) – The Planning Commission unanimously recommended denial of the Reckner Subdivision unless an extension is provided by the applicant by January 14, 2000.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the Reckner Subdivision plan, unless a written extension is received by January 14, 2000. There was no public comment.

5. Eckerd Land Development – Mr. Wynn advised the applicant granted an extension until January 31, 2000, and indicated that no one representing the applicant would be present at this evening's meeting.

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

1. Orchard Glen – The current time period for completion of improvements expires as of this date. At the end of August, 1999, Mr. David Watt of Heritage Building Group was before the Supervisors to request a one-year extension to complete the public improvements within that development. At that time, there was some concern that most of the landscaping had not been installed, the roadway had not yet been paved, and several other major items had not yet been addressed. This Board granted Heritage Building Group until December 27, 1999 to complete those improvements. Although most of the requirements of this plan have been completed, several incomplete items still remain, including minor detention basin re-grading to eliminate ponding and permit maintenance of the basin as lawn. As-built plans for the roadways and the stormsewer were received from the applicant last week, along with correspondence dated December 23, 1999. Mr. Wynn will inspect the site in the next few weeks and he believes the applicant will attend the January 31, 1999 meeting to discuss the possibility of dedication. Technically the applicant's time frame for completion of improvements

expires today and Mr. Wynn recommended the Supervisors agree to another extension until January 31, 2000.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to extend the time frame for completion of improvements for the Orchard Glen Subdivision until January 31, 2000. There was no public comment.

J. MYLARS FOR SIGNATURE: Pileggi Land Development

MANAGER'S REPORT - Continued -

4. Mr. Horrocks has received five letters of interest to fill the vacancy on the Hilltown Township Water and Sewer Authority.

5. Two bids were received for Bid #99-10 (A), (B), and (C) for three used police vehicles. Bid results are as follows:

U.S. Properties Outlet Inc. -	\$11,900.00 Total
Jersey One	- \$10,704.00 Total

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #99-10 (A), (B), and (C) for three used police vehicles to U.S. Properties Outlet, Inc. in the amount of \$11,900.00. There was no public comment.

6. Mr. Horrocks stated that Chairman Bennett has been a very caring, honest, open individual, always willing to meet with residents. It is Mr. Horrocks pleasure to have served Chairman Bennett for the past 8 years, and noted that whichever Supervisor is chosen to fill the Chairman position in the year 2000 will have some very big shoes to fill.

K. PUBLIC COMMENT -

1. Mr. John Snyder of Mill Road stated that approximately 13 years ago, Chairman Bennett announced his candidacy for the office of Supervisor. At that time, Mr. Snyder was supporting Supervisor Vince Pischl, who was a personal friend. During the past 13 years, Mr. Snyder has had some very interesting discussions with Chairman Bennett, both privately, and sometimes rather heatedly during public meetings. Unfortunately, many of the residents present this evening do not know what the situation was in Hilltown Township when Chairman Bennett first became a Supervisor. Mr. Snyder believes that with his managerial experience, Chairman Bennett has proven that

this Township could be brought back to a good, healthy financial picture. Mr. Snyder thanked Chairman Bennett for his years of service and his dedication to the community.

2. Mr. Robert Gundlach, legal counsel for the Elliot Building Group, was in attendance concerning the proposed Hilltown Chase project, which was recently denied preliminary plan approval at the Board's November, 1999 meeting. Mr. Gundlach made it clear at that meeting that in his professional opinion, it was improper for the Board to deny that plan for the reasons it had given. Nevertheless, the applicant has filed a Notice of Land Use Appeal in court. The applicant has since forwarded correspondence to the Township dated December 15, 1999, contemplating a proposed settlement of that pending litigation. Mr. Gundlach advised that the applicant met with many of the residents surrounding the subject property last Wednesday evening to discuss this proposal and he believes that they are on the right track. The main points of the December 15th letter contemplates the elimination of the connection to Beverly Road, which Mr. Gundlach believes was overwhelmingly supported at last Wednesday's meeting by the residents of Beverly Road and Audrey Lane; the reduction of the proposed building lots to 44 lots and the increase in the size of those lots to at least 15,000 sq. feet (although the plan contemplates 17,000 sq. ft.); the realignment of the proposed access roads to Telegraph Road so that headlights do not shine in homes directly across the street; and the elimination of the package treatment plant in favor of connection of a low pressure sewage conveyance system with individual grinder pumps to Beverly Road. This would alleviate any gravity lines and would also prevent other properties from tying into that low-pressure system. Since that meeting, Mr. Gundlach received comments from a neighboring property owner, Mr. Rieser, along with another property owner from Telegraph Road, and sent correspondence to the Township explaining that the Elliot Building Group further agreed to construct a landscape buffer between Mr. Rieser's property and the site. Subject to the stormwater improvements on both sides of the property and subject to the approval of the Township Engineer, the applicant may propose a grass bottom detention basin in lieu of a wetland type of basin, which was a concern of a resident across the street from the site. Even though this proposal might not be what everyone wants to see constructed in the area, however Mr. Gundlach feels it is a compromise that should be considered. There was some discussion at that meeting last week, dealing with residential streets. A report was prepared by Swift and Associates concluding that accidents are related to width of roadways, and therefore, the applicant has proposed that widening of Telegraph Road not take place, which Mr. Gundlach believes would help alleviate traffic accidents on this road. The Elliot Building Group has also been questioned by the neighboring residents as to what type of dwellings would be constructed. Mr. Gundlach explained the dwellings would be similar to those constructed in the Estates of Pebble Creek, a project currently being completed by Elliot Building Group in Lower Makefield Township. Prices of these dwellings will average at approximately \$325,000.00.

3. Mr. Bill Rieser of 508 Telegraph Road attended the meeting last week with the Elliot Building Group, and came home with an entirely different interpretation of the proceedings than Mr. Gundlach just outlined.

4. Mr. John Burns of Telegraph Road noted that this is the first time he heard about last week's meeting with the Elliot Building Group. Mr. Burns does not believe that 44 dwellings on 58 acres is appropriate for the Rural Residential Zoning District. The dwellings on Mr. Burns' side of Telegraph Road are all one acre to five-acre lots that compliment the area, and he is not in favor of such a dense development in this Zoning District. Supervisor Bennington reminded Mr. Burns that last week's meeting was not an official Township meeting, and the proposal as presented by the applicant at that meeting was not yet reviewed by the Township.

5. Ms. Janice Stemler of Beverly Road did not come away from last week's meeting with the same impression Mr. Gundlach apparently did. Ms. Stemler believes the developer pitted the residents of Beverly Road and Telegraph Road against each other. To her knowledge, most of the residents of Telegraph Road were not invited to this meeting, and Ms. Stemler believes that was because the developer did not have a "carrot" to offer those residents. The neighboring property owners all have concerns about the extension of public sewer into the RR District, and what ramifications that might have in the future for the entire Township. Ms. Stemler agreed with Mr. Burns that the proposal by the Elliot Building group does not fit in with what presently exists in this area of the Township.

6. Mr. John Burns of Telegraph Road was also not aware of the proposal by Elliot Building Group to extend the public sewer into the RR District. It is his understanding that public sewer is not permitted in the RR District, and asked if that means the developer intends to request re-zoning of the property, which Mr. Burns believes will open a "Pandora's Box" for the rest of the RR Zoning District.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bender noted that this is Chairman Bennett's last meeting as a Supervisor, and thanked him for all his support over the years. Chairman Bennett has always treated Supervisor Bender with respect, which helped to get him more personally involved with local politics. Very early on, Chairman Bennett told Supervisor Bender that even though you may want to please everyone, it is impossible to do, but it does not mean that you give up. Supervisor Bender thanked Chairman Bennett for everything he has done for Hilltown Township over his long tenure in public service.

2. Supervisor Bennington was copied on correspondence from a gentleman whose grandchild attends the Seylar School. This man attended the Christmas show at

the Seylar School and indicated the auditorium was over capacity with adults and children, with no available aisles in the event of an emergency. Supervisor Bennington asked Mr. Gillespie of the Silverdale Fire Company if a safety inspection of the Seylar School, or any other school in the Township, has ever been conducted. Mr. Gillespie advised such an inspection would be under the jurisdiction of the Building Inspector, since there is no Fire Marshall for Hilltown Township. Discussion took place. Supervisor Bennington suggested that the Silverdale Fire Company review safety inspection records for the various schools in the Township to insure that they are in compliance.

3. Several months ago, Supervisor Bennington noted that Mr. Phil Fitzgerald of Brinkley Drive, requested to construct a swimming pool in his back yard, however his back yard is also considered a front yard along Rt. 113 due to Zoning Ordinance regulations. The Supervisors had asked the Planning Commission to review and make recommendations for revision to the Zoning Ordinance so that this resident could construct a swimming pool in his yard. Supervisor Bennington does not understand why the Planning Commission disregarded the Supervisors direction to propose revision of the Zoning Ordinance. Therefore, Supervisor Bennington directed the Township Engineer to draft a revision to the Zoning Ordinance for possible consideration at the January 31, 2000 meeting.

Mr. Jack Fox, a member of the Hilltown Planning Commission, advised this scenario tends to come up every three to five years, as far back as Mr. Fox can remember. The recommendation of the Zoning Officer was to basically leave the regulations as they stand, and if the issue arises, direct the applicant to apply to the Zoning Hearing Board. It was the Planning Commission's feeling that if a revision was made, it may encourage structures other than swimming pools, to be proposed for construction in "front yards." Supervisor Bennington does not feel it is fair for residents to have to pay the \$500.00 Zoning Hearing fee for these types of requests. Mr. Wynn commented that the wording of a possible revision to the Zoning Ordinance could be made very specific to swimming pools. Mr. Wynn believes the real concern lies with double frontage lots, those lots that contain a front yard on a local street, and another front yard in the rear on an arterial roadway. The Ordinance could possibly be modified to specifically address the circumstances of double frontage lots. Supervisor Bennington directed Mr. Wynn to prepare a draft revision for the Planning Commission's review at their January, 2000 meeting.

4. In 1989, when Supervisor Bennington was the chairman of the Planning Commission, Chairman Bennett was the only Supervisor to vote to reappoint him to the Planning Commission. At that time, Supervisor Bennington decided to run for office of Supervisor. Chairman Bennett and Supervisor Bennington have had their differences during the years, mostly because Chairman Bennett is very conservative and Supervisor

Bennington is very liberal, however they have always both worked for the good of this Township. Supervisor Bennington agreed with Mr. Snyder's earlier comments that many of the current residents of Hilltown do not remember or are not aware of all the good things Chairman Bennett has done for the Township, such as initiating the creation of the Civic Park, and acting as an administrator during Hilltown's time of financial difficulty in the late 1980's and early 1990's. Chairman Bennett has always encouraged the concept of a golf course to preserve open space. On behalf of Hilltown Township, Supervisor Bennington presented Chairman Bennett with a personal computer in appreciation of his many years of public service.

Chairman Bennett thanked Mr. Horrocks, Township Manager, Chief of Police Kerry Trauger, and Mr. Buzby, Director of Public Works, the three key managers in the Township, as well as the 32 dedicated employees who work diligently and take such pride in their work. Chairman Bennett also thanked all the volunteers who make up the various boards and commissions, and who receive no compensation for the many long hours they put in. Further, Chairman Bennett feels that our professional staff, Mr. Grabowski, Township Solicitor, and Mr. Wynn, Township Engineer, are two of the finest in Bucks County.

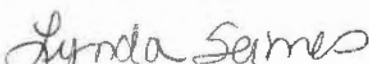
Chairman Bennett is proud of the accomplishments made by the Board of Supervisors over the last ten years, including overcoming past financial difficulties, construction of the present municipal building, the Civic Park, and the Blooming Glen Playground, doubling the size of the police force, and the installation of several traffic signals at dangerous intersections, to name a few.

It has been a pleasure for Chairman Bennett to serve with this present Board of Supervisors. He introduced Ms. Diane Parks, who will be replacing him, and wished her well in her position as Hilltown Township Supervisor.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the December 27, 1999 meeting of the Hilltown Township Board of Supervisors was adjourned at 10:00PM.

Respectfully submitted,


Lynda Seimes
Township Secretary