

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, October 25, 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 7:38PM 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 Seimes, Township Secretary

Chairman Bennett announced that the Supervisors met in Executive Session prior to this meeting in order to discuss legal and personnel matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the September 27, 1999 Supervisor’s Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 27, 1999 Supervisor’s Meeting, as written. There was no public comment.

Action on the minutes of the October 11, 1999 Worksession Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 11, 1999 Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated October 26, 1999, with General Fund payments in the amount of \$205,155.85, State Highway Aid payments in the amount of \$10,596.63, and Escrow Fund payments in the amount of \$1,435.65; for a grand total of all payments in the amount of \$217,188.13.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated October 26, 1999. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

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

1. Mr. Horrocks presented a recommendation from the Open Space Committee to appoint Mr. Chuck Kulesza to a vacancy on that Committee.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to appoint Mr. Chuck Kulesza to a vacancy on the Hilltown Township Open Space Committee. There was no public comment.

2. Mr. Horrocks presented a draft policy with regard to road closure requests for such events as block parties. The proposed policy is flexible so that each request before the Board will be considered at a public meeting and will follow general guidelines.

Supervisor Bender believes the suggested rules that were discussed previously need to be incorporated into the policy – such as liability insurance, restriction to certain roadways, and a notification period. Mr. Horrocks noted it was discovered after the most recent request that liability insurance is impossible for homeowners to acquire. Supervisor Bender would also like to avoid discussing these requests on a case-by-case basis, and feels the policy should be more procedurally documented. A lengthy discussion took place.

Solicitor Grabowski suggested this issue be tabled until further discussions between the Police Chief, Director of Public Works, Township Solicitor and Township Manager take place. The Board of Supervisors agreed.

3. Mr. Horrocks presented the 1999 Foreign Fire Tax Distribution. This year, the Township received \$66,127.36. Mr. Horrocks recommends the suggested distribution rate that matches the previous yearly distribution to the seven servicing fire companies.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the 1999 Foreign Fire Tax Distribution, matching the percentages as distributed to the seven servicing fire companies as in 1998. There was no public comment.

4. The Supervisors requested investigation of the original Ordinances establishing various boards and commissions of the Township. Mr. Horrocks presented a possible Ordinance for adoption to confirm and re-establish the Hilltown Township Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of the proposed Ordinance to confirm and re-establish the Hilltown Township Planning Commission. There was no public comment.

F. CORRESPONDENCE – None.

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

1. Solicitor Grabowski presented the Declaration of Easement for Hilltown Pike, along with the Declaration of Easement for Good Shepherd Church and the IRSIS Agreement for the McCauley Subdivision, for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-31 to accept the Declaration of Easement for Hilltown Pike for the McCauley Subdivision;** and to **adopt Resolution #99-32 for the Declaration of Easement of Good Shepherd Church for the McCauley Subdivision;** and to accept the IRSIS Agreement for the McCauley Subdivision. There was no public comment.

2. At the last meeting, the Supervisors adopted an Ordinance to refinance the outstanding 1994 Bonds. The Ordinance and accompanying documentation was submitted to the Pennsylvania Department of Community and Economic Development as required, and has been approved. Therefore, refinancing closing has been tentatively scheduled for Monday, November 15, 1999 at Union National Bank.

***8:00PM – PUBLIC HEARING to consider the adoption of an Ordinance repealing Ordinance #96-1, regulating and restricting outdoor fires.**

Chairman Bennett explained this proposed Ordinance is a revision to Ordinance #96-1, taking into consideration the State laws with regard to regulating and restricting outdoor fires. The most important revisions include the restriction of open burning to daylight hours only, mandatory attendance of one or more individuals at the site of the fire at all times, and providing for some measure of fire protection, such as a garden hose. Mr. Horrocks noted this Ordinance is only being considered for revision because of certain changes to the State Clean Air Act, which have been incorporated into the existing Ordinance.

PUBLIC COMMENT:

1. Mrs. Jean Bolger of Rt. 152 has neighbors who constantly burn their trash at all hours of the day and night, which is extremely offensive. Mr. Horrocks stated that

there are certain items that cannot be burned, such as plastic or construction materials. Mr. Horrocks suggested Mrs. Bolger contact the Hilltown Police Department if she is aware that an illegal burn is taking place.

Mrs. Bolger asked what specific changes are being made to the existing Burning Ordinance. Mr. Horrocks explained there have been some changes to the State Clean Air Act, and those changes have been incorporated into this proposed Ordinance. There are no changes to Hilltown Township's specific burning regulations, as noted in the existing Ordinance.

2. Mr. John Kachline of Mill Road asked who enforces the Burning Ordinance. Mr. Kachline stated that his neighbor burns almost every weekend, from late afternoon until 3:00AM. They also throw aerosol cans in the fire. Mr. Kachline does not feel it is his obligation to contact the Police Department every time this takes place. Mr. Horrocks advised that the Police Department has cited Hilltown residents for violation of the Burning Ordinance, and the only way they can become involved is if they are notified of the problem.

3. Mrs. Elma Schaeffer of 109 Schultz Road asked if there are provisions in the Ordinance for organized bonfires. Mr. Horrocks noted there are certain exceptions for organized bonfires for group events, with Township permission.

Motion was made by Supervisor Bender to **adopt Ordinance #99-11, repealing Ordinance #96-1, and regulating and restricting outdoor fires.** There was no second to the motion. Discussion took place.

Supervisor Bennington asked for clarification of Article III, Section C, Number 5, which states "Hours - No person shall burn or cause to be burned any material of any kind outdoors, anywhere in the Township of Hilltown between sunset and sunrise; excepting fires set solely for cooking food and those set for recreational or ceremonial purposes. No open burning of any sort shall be permitted between the hours of 1:00 A.M. and 5:00 A.M. Recreational fires must use natural, untreated wood and contain a fuel source of no more than eight (8) cubic feet." Discussion took place as to whether the regulations should prohibit all open burning between sunset and sunrise, or only between the hours of 1:00 A.M. and 5:00 A.M. Supervisor Bennington would prefer that no burning take place after dark.

4. Mr. John Snyder of the Hilltown Fire Company recommended that open burning should be prohibited from sunset to sunrise, and cited a recent incident of a bonfire along the power lines.

5. Mr. John Gillespie of the Silverdale Fire Company agreed with Mr. Snyder that burning should only take place during daylight hours.

Supervisor Bennington suggested that the entire paragraph be broken down into two sections, with the first half remaining as Number 5, and the second half beginning with the following "No open burning of any sort shall be permitted between the hours of 1:00 A.M. and 5:00 A.M." being noted as Number 7. The Supervisors agreed. Solicitor Grabowski will make the necessary corrections, which are relatively minor, so that the Ordinance does not require re-advertisement.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #99-11, repealing Ordinance #96-1, regulating and restricting outdoor fires, with the change in paragraph five as noted above.** There was no public comment.

8:20PM – Chairman Bennett adjourned the advertised Public Hearings, and reconvened the regularly scheduled meeting of October 25, 1999.

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

1. Ms. Lynn Grenier – Land Development Waiver Request – Ms. Grenier was present at the Planning Commission meeting to request a waiver of land development submission for a 42' X 92' pole building to be used as a horse barn and also for storage of personal antique vehicles. The property is located at 810 Forest Road (Lot #1 of the Brickajlik Subdivision) and contains 10 acres in area. The Planning Commission unanimously recommended approval of the land development waiver request.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant land development waiver to Mrs. Grenier for her property located at 810 Forest Road, as noted above. There was no public comment.

2. Robinson Subdivision – The applicant was not present at this time. The minor subdivision located on Broad Street between Fretz Road and Rt. 313 was unanimously recommended for denial unless an extension is received in writing from the applicant

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the Robinson Subdivision unless a written extension is received prior to November 16, 1999. There was no public comment.

3. Proposed Zoning Ordinance Amendment – The Planning Commission requested Board authorization for advertisement of an amendment of retail and consumer uses to the Zoning Ordinance and to forward that proposed revision to the Bucks County Planning Commission for review.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to forward the proposed amendment to the Zoning Ordinance with regard to retail and consumer uses to the Bucks County Planning Commission for review, and to advertise the proposed amendments. There was no public comment.

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

1. Orchard Glen Subdivision – A request has been received from Heritage Building Group to extend the time frame for completion of improvements at the Orchard Glen Subdivision for two months. Improvements were technically required to be completed by the end of October, 1999. Since the developer provided the prior two-month extension, they completed landscaping and paved the streets. Mr. Wynn recommends the Supervisors accept the two-month extension, as indicated. The developer anticipates requesting formal dedication of the roads within that two-month extension.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the 60-day extension for completion of subdivision improvements until December 27, 1999, to the Heritage Building Group. There was no public comment.

2. Silverman Land Development – The Silverman Land Development was completed and the letter of credit expires in November, 1999. Mr. Wynn recommends acceptance and commencement of the maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept completion of improvements and commencement of the maintenance period for the Silverman Land Development, with the stipulation that the new letter of credit is received prior to November 8, 1999. There was no public comment.

3. Hipple Subdivision – Mr. Wynn had nothing to report at this time.

4. Giant (Ahold) Land Development – The applicant will be presenting a revised grading plan, which eliminates the originally proposed concrete retaining wall with a fence on top. During the drilling and blasting of the parking lot, it was discovered that the site is located on solid rock, which can stand on its own. Therefore, the

applicant is proposing a 1:1 rock slope for the drainage on the bottom. The plan received from the applicant does not propose that, rather it proposes a vertical rock slope. Mr. Wynn has corresponded with the applicant's engineer, asking why the proposed plan is not consistent with the report received last month. At this time, no response has been received.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT: None.

L. SUPERVISOR'S COMMENTS:

1. At the October 11, 1999 Worksession meeting, Supervisor Bender noted a comment was made concerning the water run-off at the quarry operations. At the last Hilltown Authority meeting, Supervisor Bender presented the issue to that board, who authorized the Authority Manager and engineer to initiate discussions with the owners of the quarry to explore the possibility of utilizing that water in some way.

2. Supervisor Bennington spoke with Ms. Adrienne Richards, the sister of the young woman who was killed in a car accident on Rt. 113 several months ago. Ms. Richards will be presenting a petition regarding the reinstatement of driver education training within the curriculum to the Pennridge School Board at their next meeting. Supervisor Bennington and Chief Trauger are proponents in support of reinstating driver education training in the Pennridge School District. Supervisor Bennington stated this issue needs the full support of everyone in the Pennridge Community, because he believes it will ultimately save lives. Discussion took place.

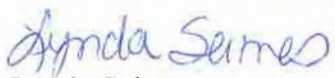
3. Several months ago, Supervisor Bennington noted this Board approved construction of a package treatment plant for the Seylar School. At the time, the Supervisors were attacked by several members of the Pennridge School Board for being shortsighted by not looking out for the best interests of the Pennridge Community as a whole. Supervisor Bennington does not like to be involved in other people's politics, however he feels the recent decision made by the Pennridge School Board with regard to the Coke advertising for the School District was not well-thought out or considered properly.

4. Supervisor Bender announced that on Wednesday, October 27, 1999, Candidates Night will be held at the Hilltown Municipal Building at 7:30PM, and encouraged attendance to hear the views of the candidates for school board, and local and County offices.

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 October 25, 1999 Hilltown Township Board of Supervisors meeting was adjourned at 8:38PM.

Respectfully submitted,



Lynda Seimes
Township Secretary