

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 26, 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 7:45PM and opened with the Pledge of Allegiance.

Also present were: 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

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

Chairman Bennett reminded those in attendance that a drought emergency has been called for the state of Pennsylvania and asked everyone to conserve water usage.

Supervisor Bennington is on vacation this week and will not be in attendance this evening.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Steffan Heilakka of 733 Church Road advised this is an important time for the Pennridge School Board and Hilltown Township, being at the crossroads which will determine the future relationship between the School District and the municipality it serves. For the past decade, perhaps even longer, Mr. Heilakka noted the spirit of community that should exist between the school board and its eight municipalities have all too often been rather strained. Whether the issue has been tax increases, contact negotiations or sidewalks at the Silverdale middle school, the image of the School District has often suffered. The School Board is often viewed as an adversary, rather than an advocate for the community. Similarly, the people of our community who are charged with governing our municipality, are often viewed by the school board as being indecisive, contradictory, and uncooperative. In such an atmosphere, Mr. Heilakka commented we can never really be considered the Pennridge Community, for that implies that we are all working together cooperatively and respectfully for the common good. Tonight has the possibility of being the beginning of a new, and improved relationship between the school board and the municipality. On behalf of himself and the Friends of Hilltown, Mr. Heilakka urged the Pennridge School District to respect the experience, knowledge and instincts of the Hilltown Planning Commission. He asked that the School

District drop their request for a private lateral for the Seylar School renovation project. While Mr. Heilakka knows these are badly needed renovations and that time is of the essence, the possible time and money saved by this option cannot in any way be offset by the possible risks of increased development that might follow. Mr. Heilakka advised it only takes one sharp legal mind to locate, in any agreement, a loophole wide enough to let a bulldozer and backhoe through into Hilltown, which would be catastrophic to both the School District and the rural community of Hilltown Township. The School District might get their private lateral, only to come back and haunt them later.

At this time, on behalf of the residents of Hilltown Township, Mr. Heilakka urged the Supervisors, Engineer, Manager, and other Township officials to make a firm and honest commitment to do everything in their power to expedite the process of a package treatment plant. By alleviating any roadblocks, the Township would be bringing the Seylar School students closer to having the facilities they need and deserve.

2. Mrs. Mary Schiavone of 822 Township Line Road commented there are several important issues up for discussion this evening, specifically the choice of a septic system vs. extension of public sewer to the Seylar School. It appears that there is only one voting Supervisor present, and therefore Mrs. Schiavone hoped this issue would be tabled for discussion at a future meeting. The implication of what is decided on this issue is too important to be made without all Supervisors present.

3. In matters relating to the proposed Hilltown Chase Subdivision, Mr. Harry Mason of 902 Morgan Lane urged the Board of Supervisors to review the analysis and follow the recommendations of the Hilltown Planning Commission.

4. Mr. Jim Coyne, vice-chairman of the Hilltown Planning Commission, came before the Supervisors at their worksession meeting to present the recommendation of the Planning Commission with regard to public sewer in the RR Zoning District. Subsequently, at the last Planning Commission meeting, the School District came before them requesting permission to extend public sewers into the RR District to service the Seylar School. Mr. Coyne noted the Seylar School has been on that property for 30 or 40 years while utilizing an on-site sewage system. At one of the Planning Commission's earlier meetings, they received a report from the applicant's engineer suggesting that on-site sewage would be the best option for this property. At the last Planning Commission meeting, the School District indicated they were not interested in public sewers as much as they were in expediting their renovation project. Mr. Coyne pointed out that the School District was on a Planning Commission agenda last month at which time this matter could have been resolved, however no representatives of the School District were in attendance.

B. APPROVAL OF MINUTES – Action on the minutes of the June 28, 1999 Board of Supervisors meeting – Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the June 28, 1999 Supervisors meeting, as written. There was no public comment.

Action on the minutes of the July 12, 1999 Supervisors Worksession meeting – Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the July 12, 1999 Supervisors Worksession meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated July 26, 1999, with General Fund payments in the amount of \$74,440.98, State Highway Aid payments in the amount of \$3,820.71, and Escrow Fund payments in the amount of \$4,753.02; for a grand total of all payments in the amount of \$83,014.71.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the Bills List dated July 27, 1999, subject to audit. There was no public comment.

D. TREASURER'S REPORT – Mr. Bruce G. Horrocks, Township Manager – Mr. Horrocks presented the Treasurer's Report, with the following balances as of June 30, 1999:

General Fund Checking Account	\$ 72,899.21
Payroll Fund Checking Account	\$ 1,259.34
General Reserve Fund	\$849,227.15
Fire Fund Checking Account	\$ 42,603.92
Debt Service Fund Checking Account	\$220,358.79
State Highway Aid Fund Checking Account	\$234,316.87
Escrow Fund Checking Account	\$331,309.65
Capital Projects – Series 1989	\$ 26,960.51
Capital Projects – Series 1994	\$103,090.31

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the Treasurer's Report dated June 30, 1999, subject to audit. There was no public comment.

E. CONFIRMED APPOINTMENTS: None.

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

1. Mr. Horrocks presented ten escrows for the Board's consideration, six of which are cash held by the Township:

313 Self Storage, Inc.	Voucher #11	\$ 41,483.21
Bricks Villa Phases I & II	Voucher #3A	\$ 470.87
Tall Oaks Subdivision	Voucher #19	\$ 275.09
Tall Oaks Subdivision	Voucher #20	\$ 43,888.84
Gray Subdivision	Voucher #09	\$ 3,923.38
Keystone Estates	Voucher #19	\$ 132.00
Quiet Acres	Voucher #27B	\$ 135.12
Schade Tract	Voucher #16A	\$ 107.08
Waste Management of Indian Valley	Voucher #19	\$ 168.89
Waste Management of Indian Valley	Voucher #20	\$ 17,135.41

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the escrow releases as noted above. There was no public comment.

2. Upon recommendation of the Chief of Police and himself, Mr. Horrocks requested that the Supervisors enact a complete ban on all outside burning in Hilltown Township, effective immediately and until such time as the drought emergency is lifted by the Governor.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to enact a complete ban on all outside burning in Hilltown Township, effective immediately and until such time as the drought emergency is lifted by the Governor. There was no public comment.

3. Mr. Horrocks requested Board authorization to advertise a revision to the Firearms Discharge Ordinance. The proposed revision has been reviewed by both Chief Trauger and Solicitor Grabowski. The revision would not permit discharge of any firearms within 1,000 ft. of any school, among other things.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to authorize advertisement of a revised Firearms Discharge Ordinance. There was no public comment.

4. Mr. Horrocks sought Board authorization to advertise an Ordinance regulating the speed limit on Schultz Road, between Keystone Drive and Diamond Street. A speed study was conducted by the Hilltown Police Department, who recommended a

35 m.p.h. speed limit for Schultz Road. In conjunction with the reduced speed limit, Mr. Horrocks suggested that a regulation prohibiting parking on the south side of Schultz Road for its entire length be considered.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to authorize advertisement of an Ordinance regulating the speed limit of Schultz Road, between Keystone Drive and Diamond Street to 35 m.p.h., and prohibiting parking on the south side of Schultz Road for its entire length. There was no public comment.

5. The Township received a request from residents of the Hilltown Woods Subdivision to hold a block party on Briarwood Drive between 232 Briarwood and 240 Briarwood on Saturday, July 30, 1999 from approximately 3:00PM to 10:00PM. One of the items the Township Solicitor recommended was the possibility of obtaining insurance, however upon investigation, this suggestion was found to be cost prohibitive. Mr. Horrocks, the Director of Public Works, and Police Chief are recommending that this request be denied for liability reasons.

Two representatives of the Hilltown Woods community were in attendance to present their request. A similar block party was held last year in this neighborhood which was a successful event with 40 families participating. The residents worked in conjunction with the fire department and local law enforcement agencies. This year, the residents have 100% neighborhood participation, limiting the liability of the Township as well as anyone connected with the block party. Forty-six of the fifty-one families in the development have signed a petition requesting approval of the block party, and stating that they would limit the Township's liability. There is a hope that these yearly block parties will promote camaraderie within the neighborhood, and they strongly requested that the Board consider approval, despite the recommendation of Mr. Horrocks, Mr. Buzby, and Chief Trauger. The residents do not plan to block Briarwood in its entirety, and if any emergency should arise, they intend to instantly make Briarwood a thoroughfare between Shultz Road and Rt. 113.

Chairman Bennett believes a neighborhood event of this nature is good for the morale of the community, however there appears to be opposition from Chief Trauger, Mr. Buzby and Mr. Horrocks due to the issue of the Township's possible liability problems. Chairman Bennett commented there is a difference between last year's block party, and the proposed block party this year, in that last year, the roads within the development were private. Since that time, the Township has taken dedication of the streets within the Hilltown Woods Subdivision. Despite that, Chairman Bennett commented the Supervisors might consider approval if the residents would be agreeable to limiting the block party to daylight hours only, ending the party by 8:30PM. The residents agreed to this suggestion and stated the block party would begin at 3:00PM and end at 8:30PM.

Supervisor Bender feels it is important that the Supervisors are able to point to what the requirements and concerns of the Township include, and agreed to make a motion of approval with the stipulation that additional block party requests will not be approved until the expectations of the Township and the issue of liability is addressed to the satisfaction of the Supervisors.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to approve the request of the residents of the Hilltown Woods Subdivision to hold a block party on Saturday, July 31, 1999, with the stipulation that the party will begin at 3:00PM and end at 8:30PM; and further to prohibit the approval of additional block party requests until an established procedure is in place, upon the recommendation of the Director of Public Works, Police Chief and Township Solicitor. There was no public comment.

G. CORRESPONDENCE:

1. Correspondence was received from PennDot advising that on Wednesday, July 28, 1999, construction will begin on Rt. 309 to install Jersey style barriers, remove guide rail, and a complete overlay from Church Road to Rich Hill Road. This construction will take place until September of the year 2000.

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

1. Solicitor Grabowski presented an executed copy of the Basil Retention Basin Modification Agreement for his property in the Keystone Estates Subdivision. At a previous meeting, Mr. Basil requested a modification of the Subdivision/Land Development Agreement for the Keystone Estates Subdivision, in order to allow for relocation of the fencing around the detention basin on his property.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to accept the Basil Retention Basin Modification Agreement (Keystone Estates Subdivision), as noted above. There was no public comment.

2. The County Line Plaza Shopping Center letter of credit is set to expire on July 27, 1999. A revised letter of credit was received by the Township via fax this afternoon. The Supervisors acknowledged receipt of the revised letter of credit for the County Line Plaza Shopping Center.

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

1. McCauley Subdivision (Prel. Minor) – This minor subdivision located on Hilltown Pike was unanimously recommended for preliminary approval by the Planning Commission conditional upon the following:

- Approval and recordation of the lot line adjustment subdivision plan between McCauley and Good Shepherd Church prior to, or simultaneously with, the recordation of the minor subdivision plan. (The lot line adjustment subdivision plan was submitted for review on July 6, 1999).
- Resolution of driveway access/easement with the adjoining Good Shepherd Church property in a manner satisfactory to the Township.
- Applicant seeks a waiver from stormwater management control due to a very small increase in stormwater runoff as provided by Ordinance #99-4. If the waiver is granted, the Township should require a contribution to the Stormwater Management Capital Fund as provided by Section 516.3.
- Verification of approval of the proposed driveway access onto Hilltown Pike should be received in writing from PennDot.
- Verification of approval of erosion and sedimentation control measures to be implemented during construction activity on Lot #2 should be received in writing from the Bucks County Conservation District.
- A split rail fence with wire mesh backing should be installed along the side property line in the vicinity of the spray irrigation field as required by Ordinance #96-4.
- Sewage facilities planning modules must be approved by PADEP.
- Property monumentation as shown on the plan should be installed and certified in writing by the responsible surveyor.
- Drafting items as contained within the engineering review dated July 12, 1999 should be accomplished on the final plan.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to grant preliminary plan approval to the McCauley Minor Subdivision, pending completion of all outstanding items as noted above. There was no public comment.

2. Hilltown Chase (Sketch and Prel.) – This sketch plan proposing a revised layout consisting of a loop road and 44 dwelling units with public sewer connection was reviewed by the Planning Commission. No motion was made by the Planning Commission regarding the sketch plan, however all Planning Commission members indicated that they were opposed to extension of public sewer to this property. Additionally, the Planning Commission unanimously approved a motion to deny the preliminary subdivision plan due to non-compliance with Zoning Ordinance and Subdivision Regulation requirements as contained within the June 15, 1999 engineering review, unless an extension is received by the applicant no later than July 26, 1999.

Mr. Robert Gundlach, attorney for the applicant, along with Mr. Larry Byrne, engineer, and Mr. John DiPasquale of the Elliott Building Group, were in attendance to present the sketch plan as requested by Supervisor Bennington. This sketch plan addresses three items of concern of the Supervisors, which includes elimination of the access to Beverly Road by providing a loop road with two accesses to Telegraph Road, increasing the lot sizes from 12,500 sq. ft. to a minimum lot size of 17,000 sq. ft., and reducing the density from 50 lots to 44 lots.

Since the last meeting with the Supervisors, Mr. Gundlach discovered documentation filed at PADEP concerning the adjacent Beverly Road property, formerly referred to as the Hilldale Subdivision. Mr. Gundlach noted that property was zoned RR in 1985, and at the time, the developer requested public water and sewer, which was approved for the construction of the Hilldale Subdivision. Mr. Gundlach advised that site was listed in the Township's Act 537 Plan within the dotted line to be served by public sewer. A letter on Township stationery was also found in the DEP files explaining that portions of the RR Zoning District have been included for public sewer and are contained within the area of jurisdiction of the Hilltown Water and Sewer Authority. Mr. Gundlach believes that letter confirms his original position that the subject property, as was the Hilldale Subdivision, is located within the Township's public sewer service district, even though it is zoned RR. After the Hilldale Subdivision project was constructed and developed, the Township, at some later date, re-zoned the property from RR to CR-2. The site of the proposed Hilltown Chase Subdivision directly abuts the Hilldale Subdivision.

Supervisor Bender noted the minimum lot size on the sketch proposal is 17,000 sq. ft., and asked what the maximum lot size is. Mr. Byrne replied most of the lots are 17,000 sq. ft., however some of the larger lots around the perimeter of the site are approximately 18,000 to 19,000 sq. ft..

Chairman Bennett feels the developer has done an admirable job of preparing a sketch plan to re-route the interior roads so that the residents of Beverly Road would not be directly affected by additional traffic. Chairman Bennett does not look favorably upon

package treatment plants, and would personally prefer the extension of public sewer to the site. Due to the absence of Supervisor Bennington, and because Supervisor Bender had previously recused himself from action on this particular plan, Chairman Bennett suggested the applicant appear before the Supervisors at their August 9, 1999 Worksession meeting to present the sketch plan. The Supervisors unanimously authorized the Township Solicitor and Township Engineer to attend the August 9, 1999 Worksession meeting.

3. Grasse Elementary School (Final) – The Planning Commission unanimously recommended approval of this final land development plan, subject to the following:

- Stormwater management design must be revised to comply with the comments of the engineering review dated July 12, 1999.
- Verification of approval of the request for planning module exemption must be received from PADEP.
- Plan must be reviewed by the Fire Marshall or servicing Fire Company for information relative to proposed site access and building design as it pertains to fire fighting accessibility.
- Plan must be resubmitted to the Bucks County Conservation District for approval of erosion and sedimentation control measures.
- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of required improvements.
- Engineering/drafting detail review comments as contained within the July 12, 1999 engineering review must be addressed on the plan in a manner satisfactory to the Township.

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

4. Seylar School (Sewage Facilities) – Sewage facilities for the Seylar Elementary School were again discussed at the last Planning Commission meeting. The Planning Commission advised that they do not approve of extending public sewers into the Rural Residential District. On a motion by Mr. Coyne and seconded by Mr. Beatrice,

the Planning Commission recommended construction of a package treatment plant on the school grounds and denial of public sewer service. Mr. Rice had abstained from the vote due to possible conflict of interest.

Mr. Dennis McCall of the Pennridge School District, thanked the Supervisors for recognizing the difficulties with the Firearms Discharge Ordinance, which had been brought to their attention at the Pennridge Central Middle School. Mr. McCall asked if the requirement quoted earlier by Mr. Horrocks is that weapons can not be discharged 1,000 ft. from the school building itself, or 1,000 ft. from the school property line. Mr. Horrocks will speak to Chief Trauger to determine that answer.

Mr. McCall commented it is the School District's goal to work cooperatively with the Township. Following meetings with Township staff, it became obvious that the key issue would be the matter of sewage. It was at one of those meetings, that it was suggested the School District consider crossing several private properties to connect to the public sewer line at Beverly Road vs. running the sewer line through 3,000 ft. of public roadways. There is also the concern about the possibility of a private lateral being tapped into that would facilitate further development, which the School District is not in favor of because it would cost more than the construction of a package treatment plant, in the long run. At the last Supervisors meeting, the School District was requested to prepare a report outlining why they felt it was better to connect to public sewer versus construction of a package treatment plant. The financial impact of maintaining a package treatment plant versus connecting to public sewer is not a huge amount of money on a yearly basis, however Mr. McCall noted the School District must consider every penny when preparing budgets. Another issue is the fact that the District maintains one package treatment plant in Bedminster at present, and they do not wish to continue in the business of maintaining any other treatment plants. Mr. McCall advised the School District would also not want to be responsible for the future liability involved with the possible failure of a package treatment plant on their property. A sample copy of an agreement between Council Rock School District and Wrightstown Township was included in the packet of information provided by the applicant, which precludes anyone from tying in or sizing the line to make it accessible to anyone other than the School District, therefore making it a private lateral. Mr. McCall requested review of this sample agreement by the Township Solicitor to determine if the municipality would be comfortable with this type of an agreement between Hilltown Township and the Pennridge School District.

Supervisor Bender understands that the Planning Commission recommended denial of extension of public sewers in the RR District, however he wondered what the Planning Commission's recommendation was concerning the additional information provided by the School District, including the sample agreement. Mr. Wynn clarified that the Planning Commission did not recommend denial of the plan itself; rather they recommended construction of a package treatment plant on school grounds and denial of

public sewer service to the site. The discussion prior to the motion made by the Planning Commission centered on the issue of extension of public sewers within the RR Zoning District, which was a unanimous recommendation by that Board. Supervisor Bender asked why the additional information from the School District submitted to the Township on July 6, 1999 was not distributed to the Planning Commission until the evening of their July 19, 1999 meeting. Mr. Wynn commented the Planning Commission had previously made a recommendation concerning this proposal prior to receipt of the additional information and were of the opinion that the additional information was not necessary to make their decision. Supervisor Bender apologized to the School District for the additional work they did which was not reviewed by the Planning Commission as requested. Mr. Jim Coyne, vice-chairman of the Planning Commission, defended their actions by explaining the additional information from the School District was not distributed to the PC members until that evening, and it was a voluminous document that would have been impossible to review at that time. Further, according to the Township Engineer, the documentation did not include the major cost of the pumping station or other pertinent information. Discussion took place.

Supervisor Bender noted that he recused himself from voting and discussion concerning the Hilltown Chase plan only, not discussion of this particular issue, however he has no intention of voting on the Seylar School sewage facilities issue without Supervisor Bennington being present. Since Supervisor Bennington was the driving force behind the request for additional information from the School District, Supervisor Bender believes everyone needs the benefit of the dialogue that would take place should Supervisor Bennington be present. Discussion took place. Mr. Horrocks suggested the School District present the Seylar School sewage facilities plan at the Supervisors Worksession meeting scheduled for August 9, 1999, which would allow time for the Planning Commission to present their recommendation concerning the additional information provided by the School District. The Board was agreeable.

Dr. Kish, superintendent of the Pennridge School District, requested review of the sample agreement between Council Rock School District and Wrightstown Township by the Township Solicitor prior to the August 9, 1999 meeting. The Board was agreeable.

It is Chairman Bennett's personal opinion that extension of public sewer to the Seylar School should be permitted, since every Board in the Township has been opposed to package treatment plants for years. He does not understand why the Planning Commission has changed their opinion on this matter.

5. Pileggi Land Development (Prel.) -The Planning Commission recommended preliminary plan approval of the land development located on Rt. 313 subject to completion of outstanding items contained within the engineering review dated July 13, 1999, submission of a traffic engineering study, and receipt of correspondence

from the adjoining property owner (Mr. Scholl) verifying that he will permit the proposed cleaning of the driveway culvert on their property and do not object to the extended duration of stormwater release. Mr. Beatrice abstained due to potential conflict of interest. The plan proposes a 7,500 sq. ft. specialty shopping center on the former Stone Depot property located between the Silverman Self Storage units on Rt. 313 and the WaWa store. The site is zoned Planned Commercial II.

Mr. Scot Semisch, attorney for the applicant, and Mr. Paul Dietz, engineer for the applicant, were in attendance to present the plan. For the most part, Mr. Dietz advised the applicant is in agreement with Mr. Wynn's engineering review comments of July 13, 1999, however they are seeking a waiver of the requirement for a traffic engineering study.

Mr. Semisch advised that Mr. Scholl, the neighboring property owner, has been cooperating with the applicant, however he has not responded to Mr. Pileggi's latest request for written verification of his agreement to extended duration of stormwater release. Mr. Semisch believes that Mr. Pileggi's development will decrease the amount of water flowing onto Mr. Scholl's property. Mr. Dietz has contacted Mr. Scholl on numerous occasions, and this past week, he attempted to obtain Mr. Scholl's signature on an agreement to satisfy the Township's concerns. Mr. Scholl indicated he was reluctant to sign anything and appeared somewhat soured on the issue due to the existing water problem on his property from the adjoining Silverman Self-Storage units. Apparently, Mr. Scholl's complaint was that the Township permitted the self-storage units to be constructed, thereby allowing additional water run-off onto his property. It is Mr. Pileggi's position that his land development will lower the impact of water run-off on Mr. Scholl's property. Mr. Semisch explained there is a pipe on Mr. Scholl's property that Mr. Pileggi agreed to clean out to assist with the existing water flow problems on Mr. Scholl's property. Mr. Wynn disagreed with some of the statements made by Mr. Dietz and Mr. Semisch. Mr. Wynn advised the statements that there will be a decrease in the amount of water and a decrease in the water flow is untrue. Further, the statement that it will lower the impact depends on what impact is being considered. Mr. Wynn explained there will be an increase in the amount of water that will be discharged from the Pileggi site onto the adjoining Scholl site. The volume of water will also increase. What will actually decrease will be the rate of flow from Mr. Pileggi's property to the neighboring Scholl property. Mr. Wynn commented Mr. Scholl's property will receive more run-off after development than it does now, and that run-off will be discharged over a longer period of time. It is Mr. Scholl's main concern that his property will remain wet for a longer period of time. Mr. Wynn explained this is not the same situation as the neighboring Silverman property, which had a channel through their site that discharged concentrated flow onto the Scholl property. In the case of Mr. Pileggi's land development, water is being concentrated into a detention basin to be discharged onto the neighboring property. When this occurs, the Ordinance provides for requirements for

written verification from the downstream property owner expressing their agreement before the flow can be concentrated and discharged at a single point onto their property. Supervisor Bender noted there is a pond on the property, and wondered if the basin that will collect the water is located near the pond. Mr. Wynn replied that the basin is located between the pond and Rt. 313, on the rear of the site. Mr. Dietz stated the pond is located on both the Scholl and the Pileggi property, however approximately 90% of the pond is located on the Scholl property. A lengthy discussion took place.

Mr. Semisch advised Mr. Pileggi is requesting a waiver of the requirement for a traffic impact study. To Mr. Semisch's knowledge, there is no other vacant commercial property located on Rt. 313, and the plan has been revised from a 12,500 sq. ft. building to a 7,500 sq. ft. building, and the need for traffic movement on site has been significantly reduced. Therefore, Mr. Semisch does not believe a traffic impact study is required.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to grant preliminary plan approval to the Pileggi Land Development, pending completion of all outstanding items, including the requirement for a traffic impact study and receipt of verification of Mr. Scholl, the neighboring property owner, as noted in Mr. Wynn's July 13, 1999 engineering review.

6. Callowhill Road Associates Subdivision (Prel.) –The time period for review of this plan expires on August 15, 1999. The Planning Commission unanimously recommended denial of the plan unless an extension is received from the applicant. The denial was based upon non-compliance with Zoning and Subdivision Ordinance requirements as contained within the engineering review dated May 25, 1999.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to deny the Callowhill Road Associates Subdivision, based upon non-compliance with Zoning and Subdivision Ordinance requirements contained in the engineering review dated May 25, 1999, unless an extension is received prior to the expiration of the time period.

7. Lynrose Estates (Planning Modules) – This plan for 13 single-family dwelling lots located on Mill Road received final plan approval from the Board of Supervisors at a previous meeting. One of the conditions of final plan approval is planning module approval from PADEP. Planning modules have been received and are on this agenda for adoption of an Act 537 Resolution as required by PADEP.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to **adopt Resolution #99-20, for Act 537 plan revision for new land development for the Lynrose Estates Subdivision.** There was no public comment.

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

1. Tall Oaks Subdivision – The developer has completed all improvements, however acceptance of completion of those improvements cannot yet take place, pending execution of the modification agreement.

2. Orchard Road Pedestrian Bridge – Mr. Wynn has received a color chart from the bridge manufacturer so that the Supervisors may make their color choice, however he does not have the chart with him this evening.

3. Some time ago, the Balco Subdivision, which includes an Individual Residence Spray Irrigation System, was approved; and this evening, the McCauley Subdivision was approved, which also contains an Individual Residence Spray Irrigation System. Mr. Wynn asked the Supervisors to direct the Township Solicitor to prepare the necessary IRSIS agreements for both these subdivision.

Motion was made by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously to direct the Township Solicitor to prepare the necessary IRSIS agreements for both the Balco Subdivision and the McCauley Subdivision. There was no public comment.

K. MYLARS FOR SIGNATURE: None.

L. PUBLIC COMMENT:

1. Mr. Ron Theis, a Hilltown resident and member of the Pennridge School Board, requested that the Seylar School plan be placed first on the agenda for the August 9, 1999 Worksession meeting, since there is also a school board meeting that evening. The Board was agreeable.

Mr. Theis mentioned that an extension had been granted by Mr. McCall on behalf of the school board at the last Supervisors meeting, which he believes expires this evening. Mr. Wynn advised that was a 90-day extension.

With regard to a particular proposed revision to the Firearms Ordinance, specifically to prohibit the discharge of firearms within 1,000 feet of a school, Mr. Theis asked if that requirement would include the firing of any and all weapons. Chief Trauger replied that no weapons would be permitted to be discharged within 1,000 feet of a school, except in the event of hunting, which has a 150 yd. requirement and is under the jurisdiction of the Pennsylvania Game Commission.

Mr. Theis has heard speculation that the large pine trees along Diamond Street near Narothyn Road are proposed to be removed to install sidewalk. Mr. Wynn explained those trees will be removed for the construction of a sidewalk, and is a condition of final plan approval for the Longleaf Subdivision. At the time of plan approval, Mr. Wynn noted that the developer was not in favor of this requirement, however the plan was approved with requirements for widening, sidewalk, and curb. The installation of sidewalk in particular requires removal of many mature evergreen trees. When this plan was before the Board of Supervisors, there was a severe ice storm and a number of those trees, which had grown into the electrical wires, caused a large power outage. Mr. Wynn believes that power outage may have somewhat influenced the Board's decision at that time. Mr. Theis was adamantly opposed to the removal of those mature evergreen trees and requested that the Board consider a revision to the Longleaf Subdivision plan. Discussion took place.

2. Several times this evening, Mr. Jack Fox heard Chairman Bennett state that he does not understand why the Planning Commission refuses to consider moving public sewer into the RR District. Mr. Fox suggested Chairman Bennett review previous minutes where the Planning Commission, over the last 25 years, has consistently voted against moving public sewers into the RR. With regard to the Beverly Road properties, which Mr. Gundlach mentioned was once zoned RR, Mr. Fox noted a zoning change was made by a certain Board of Supervisors to change that zoning to CR II in order to allow public sewers into the Hilldale Subdivision. Mr. Fox contends that a certain Supervisor, with some assistance, permitted the public sewer extension into the Hilldale Subdivision to help a friend. Mr. Fox stated the Planning Commission would prefer on-site systems rather than a package treatment plant, however if on-site systems are not feasible, the Planning Commission would be agreeable to a package treatment plant to preclude the sprawl that results from the movement of public sewer into the RR District.

3. Mrs. Relda Warner of Pleasant Meadows asked for an explanation of the Pleasant Meadows pedestrian bridge, which was discussed by Mr. Wynn earlier in the meeting. Mr. Wynn explained the pedestrian bridge is proposed to be constructed parallel to the existing County bridge on Orchard Road in order to continue the sidewalk to Diamond Street.

4. Twice this evening Mr. Jim Coyne of 916 Rt. 113 has heard the opinion from a member of the Supervisors that he would favor the extension of public sewer in the RR District because he was opposed to package treatment plants. Mr. Coyne believes the logical conclusion to be drawn is that any developer who wants to extend public sewers only has to threaten the construction of package treatment plants to obtain their goal.

5. Mrs. Jean Bolger of Rt. 152 asked when the Municipal Building was proposed and when the Hilldale Subdivision was proposed. Mr. Wynn advised the subdivision plan for Hilldale was proposed by Sam Pierce many years prior to the 1987 proposal for construction of the Municipal Building.

The Elliott Group mentioned how sewers were permitted into the Hilldale Subdivision following a rezoning of that property from RR to CR II. Mrs. Bolger believes that the rezoning of a Rural Residential property, which is situated on a major highway (Rt. 152), is a completely different thing than rezoning a Rural Residential property that is located on a small country road (Telegraph Road). Mr. Gundlach had made a correlation between these two situations, and Mrs. Bolger strongly disagrees that there is a correlation.

As a resident and a taxpayer, Mrs. Bolger would like to know why the documentation provided by the School District on July 6, 1999 was not forwarded to the Planning Commission until the evening of their July 19th meeting. Mr. Wynn explained that when the information was submitted by the School District to the Township, there were not enough copies. The extra copies were then submitted towards the end of the week and were transmitted to Mr. Wynn at that time. The Planning Commission does not normally receive plans or documentation in the mail prior to their meeting; they receive only reviews in the mail. Mr. Wynn commented he followed normal operating procedures when distributing the documentation from the School District. Mrs. Bolger wondered how the Planning Commission can be expected to digest all that information and make an informed recommendation in one evening. Mr. Wynn replied that the Planning Commission does not typically do that in one meeting.

Mrs. Bolger is opposed to extending public sewer into the Rural Residential Zoning District.

6. Mr. John Bolger of Rt. 152 stated that the Elliott Group mentioned that in 1985 the Supervisors permitted the extension of public sewer to the Hilldale Subdivision, and at that time, there was only one dwelling unit on the property prior to subdivision. That being the case, Mr. Bolger suggested that public sewer be extended to the Hilltown Chase site but only to service one dwelling. Mr. Bolger does not believe what took place in 1985 should have any relevance to what is being proposed by the developer today.

Since we are now experiencing a drought, Mr. Bolger asked what water supply is available in Hilltown Township at this time. If there is not an adequate water supply available, Mr. Bolger does not believe any building permits for new dwellings should be issued until the HTWSA can determine whether or not there is adequate water available for the current residents. Mr. Bolger commented the lack of water is a reason the Township can use to stop building. Supervisor Bender, also a member of the Hilltown

Authority, noted that they do know how much water is coming out of the ground and they do know how much water is available in the storage facility. There is also a water study underway at this time, and the Township is looking into participating in a joint water study with the surrounding communities, so that information will be available. Until the study results are complete, Mr. Bolger feels a ban on building should be considered.

Mr. Bender asked the size of the site of the proposed Hilltown Chase Subdivision. Mr. Wynn replied the site consists of 52 acres. Given the size of the site, Mr. Bolger believes that only 26 dwellings should be permitted. Mr. Bolger is taken aback by the fact that a former Supervisor was able to get away with he did, and wondered how that former Supervisor got the idea in the first place.

7. Mr. John Kachline of 529 Mill Road stated the reason the Planning Commission would consider the construction of a package treatment plant for the proposed Hilltown Chase Subdivision is because they believe it was the lesser of two evils. The Planning Commission is vehemently opposed to the extension of public sewers into the RR District. At present, the Ordinance permits package treatment plants. There has been another recent subdivision submission for a large development that is proposing a package treatment plant. Mr. Kachline wondered how the Planning Commission should approach this next proposal when the Supervisors seem to be opposed to the construction of a package treatment plant. During review of the Act 537 Plan, it was the opinion of the Planning Commission to remove package treatment plants from that Plan, however that proposal was met with opposition from the Township Engineer and Township Manager because they believe DEP will not approve the Act 537 Plan if that option is not available. If the Supervisors don't intend to allow package treatment plants, Mr. Kachline wondered why they are permitted in the Ordinance at all. It appears to Mr. Kachline that the construction of a package treatment plant is the lesser of two evils. Chairman Bennett believes there is a difference between constructing a package treatment plant if the site is adjacent to existing public sewer, as opposed to constructing one in the middle of an RR area where public sewer is not even close enough for connection. Mr. Kachline stated there is a small bonus to constructing a package treatment plant in that it can be designed so that most of the water coming out of the treatment plant can be recharged into the aquifer.

If the Supervisors disregard the Planning Commission's recommendation and eventually agree to extend public sewer into the RR for the Hilltown Chase Subdivision, Mr. Kachline hopes they get something substantial in return from the developer for what they will be giving up.

8. Mr. Joe Wilson of 319 Thistle Lane feels that the agenda should be revised to allow public comment after each subdivision or land development plan is discussed, so that the developer will be present during discussion.

Supervisor Bender was appointed to the Board of Supervisors in the midst of the proposal from the Elliott Building Group, and at the time of his appointment, he had recused himself from discussion concerning this development for certain reasons. Supervisor Bender believes that Supervisor Bennington's suggestion to the Elliott Group was an attempt to be creative and to try to get the Township out of this no win situation. Supervisor Bender agreed with Mr. Kachline's comment that if there is no other way out, that the Township should get something significant from the developer.

Mr. Wilson wondered why the Supervisors do not follow the recommendation of the Planning Commission to prohibit public sewer in the RR District. Chairman Bennett advised this Township is comprised of more than 50% RR zoning, and if the matter of public sewer extension into the RR was challenged in court, he does not believe the Township would win. It has not been challenged to date, however Chairman Bennett thinks that it eventually will. Chairman Bennett is also concerned about the number of failing sewer systems in this Township. Discussion took place.

9. In response to Mr. Wilson's first question, Mrs. Maurcen Lyons of Country Roads stated that a good number of residents have been in attendance at many meetings when representatives of the Elliott Building Group were present, and it was obvious that they did were not concerned about the residents comments. Mrs. Lyons commented the Supervisors should be concerned that the taxpayers might sue the Township for not looking out for resident's interest. Mrs. Lyons left New York to escape the crime and to find a good place to raise her children. Mrs. Lyons knows that many residents are willing to contribute to a legal fund to fight developers and encouraged the Supervisors to stand their ground. Mrs. Lyons understands that development cannot be stopped, however she believes it should take place at a volume that the Township can afford. Mrs. Lyons feels that developers should be made fiscally responsible for new schools, roads, police, fire and other emergency services.

Chairman Bennett reminded Mrs. Lyons that the Township must provide "fair share" zoning.

10. Mr. Ed Seigfried of Telegraph Road noted that approximately 7 years ago, Hilltown dug several deep wells along Rt. 152, and approximately two years after that, his well ran dry. Mr. Seigfried wondered what would happen to his well, along with any other neighboring property's wells, when 400 homes will be constructed all around Telegraph Road. If his well runs dry again, Mr. Seigfried asked if he has the right to sue the Township for not insuring that the water table wasn't abused. Solicitor Grabowski explained that residents have rights under the Delaware River Basin Commissions regulations that control such issues. The D.R.B.C. does have regulations in effect that address the rights of property owners whose well goes dry. Mr. Seigfried commented

there are quite a few homes in Hilltown Township who have lost water over the past several weeks.

Mr. Seigfried is very concerned about the fact that Supervisor Bennington asked Elliott Building Group to eliminate the connection to the Beverly Road cul-de-sac and to propose dual accesses to Telegraph Road. Mr. Seigfried reminded the Board that Telegraph Road is a small country road that will never be able to handle the excess traffic from this proposed development and the development proposed by Heritage Building Group on Telegraph Road on the other side of Rt. 113.

Mr. Jim Groff, manager of the Hilltown Authority, explained that the three municipal wells servicing Hilltown Township are under a D.R.B.C. docket, which permits a certain amount of gallons per day to be removed. Currently in this drought situation, HTWSA is approximately 100,000 to 200,000 gallons per day under the 30-day permitting requirements. The 30-day permit requirements are 10.02 million gallons, which equates to approximately 340,000 gallons per day. At present, the Authority services approximately 1,200 connections. Most homes in the area use approximately 200 to 300 gallons of water per day. With respect to the current condition of the three municipal wells, Mr. Groff advised they have not been depleted any more than normal for this time of year. Even though the area is behind by 6 inches of rainfall, the municipal wells are still in very good shape, however he would ask everyone to conserve water. Concerning the wells that have been going dry in the Township, Mr. Groff explained temporary connections are being run when possible. The average depth of most of the wells that have been going dry have been anywhere from 0 to 75 feet. Discussion took place.

Mr. Groff advised that the Hilltown Township Water and Sewer Authority meets on the second Wednesday of every month at 7:30PM at the Municipal Building, and encouraged residents to attend.

11. With regard to the proposed lateral for the Seylar School, Mr. Dan Rieser of Telegraph Road wondered if the Supervisors are thinking of the future or of their immediate needs when it comes to consideration for connection to public sewer vs. a package treatment plant for the Seylar School. Mr. Rieser believes a package treatment plant might better serve the site.

Mr. Rieser is also opposed to the sketch plan proposal by the Elliott Building Group that will provide for a loop road with two accesses onto Telegraph Road, which is a simple country road. He does not understand how that option could possibly be better than a through road to a major highway like Rt. 152. Mr. Rieser commented that 44 dwellings instead of the original 50 is not a substantial reduction of dwellings, and he does not believe that is what Supervisor Bennington had in mind when he suggested a proposal for a loop road connecting to Telegraph Road.

12. Mrs. Maureen Lyons of Country Roads advised that Friends of Hilltown is sponsoring a field trip on Saturday, July 31, 1999 at 9:30AM at the Township Building to view the three municipal wells and the sewer system.

13. As a fire fighter, Mr. John Snyder of 2018 Mill Road thanked the Supervisors for issuing a burning ban throughout the Township.

Mr. Snyder asked which takes more groundwater to treat – public sewer or a package treatment plant. If a site is connected to the Pennridge Wastewater Treatment Plant, Mr. Wynn explained groundwater is being exported out of the area and discharging it remotely. If a site is discharging into a package treatment plant, the groundwater is still coming out, however it is being discharged back into the same tributary.

When applicants come before the Zoning Hearing Board, of which Mr. Snyder is a member, they must prove to the Zoning Hearing Board's satisfaction that they have a pending agreement of sale, etc. to prove that they have vested rights in a particular site. If a developer submits a subdivision plan to the Township, Mr. Snyder asked if they must provide an agreement of sale or a pending agreement of sale before review can take place. Solicitor Grabowski replied that they do not.

14. Mr. John Bolger of Rt. 152 asked who will maintain the package treatment plant if the Elliott Building Group constructs one on the Hilltown Chase site. Supervisor Bender noted those details would be reviewed and approved by the Supervisors through their development agreement. The maintenance could be the responsibility of a Homeowner's Association, the Township, or the Authority.

15. In response to Mr. Wilson's earlier comment concerning revising the agenda to include more public comment, Supervisor Bender stated that over the past few months, resident's comments have been permitted following discussion on particular plans with the developer present.

Mr. Horrocks will make revisions to the policy for the meeting procedures portion of the agenda for the Board's consideration at their August 9, 1999 worksession meeting.

16. With regard to the earlier comments concerning evergreen tree removal along Diamond Street, Mr. Ron Theis asked what purpose a sidewalk in that area will serve. Mr. Horrocks explained that the purpose of widening, curbs and sidewalks along Diamond Street in conjunction with the Longleaf Estates Subdivision approval was to improve Diamond Street upon the recommendation of the Planning Commission. Mr. Horrocks will provide Mr. Theis with copies of minutes from both the Planning Commission and the Board of Supervisors dealing with public improvements to Diamond Street in the Longleaf Subdivision. Chairman Bemett recalls that there was also a safety

factor involved with providing sidewalks along Diamond Street. Mr. Wynn stated that roadway widening, as well as pole location and removal were the main reason that the evergreen trees had to be removed. Mr. Theis expressed his opposition to the removal of those mature evergreen trees to facilitate roadway widening for the Longleaf Subdivision.

Mr. Theis asked the status of Skunk Hollow quarry expansion. Mr. Horrocks stated that the quarry has apparently purchased a neighboring property, however no formal submission for expansion has been made to the Township. The section of the Zoning Ordinance dealing with a private petition to change zoning has requirements for all sorts of impact studies to be performed and submitted.

Mr. Theis suggested that the Authority, in an effort to encourage residents to conserve water, offer a discount for reduction in water use.

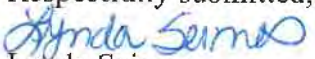
17. Mr. Hal Shirmer of West Rockhill Township announced that the East Branch Watershed Taskforce, which addresses stormwater concerns and groundwater recharge, will hold their next two meetings here at the Hilltown Municipal Building on Wednesday, August 18th and Wednesday, September 15th at 7:30PM. Mr. Shirmer invited all interested residents to attend.

18. Mr. Wally Rosenthal of 530 Rosie Lane questioned the tax impact the proposal of all these new dwellings will have on the community. Each home could potentially generate approximately 1.9 new students in the School District. It is Mr. Rosenthal's understanding that it costs \$8,300.00 per year per student to send a child through the Pennridge School System, which means these homes will not generate that type of tax base and there will be a shortfall every year in the millions of dollars that will have to be borne by the taxpayers in the area. This is the reason Chairman Bennett would like the Planning Commission to address the issue of senior adult housing.

M. SUPERVISOR'S COMMENTS: None.

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

O. ADJOURNMENT: Upon motion by Supervisor Bender, seconded by Chairman Bennett, and carried unanimously, the July 26, 1999 Board of Supervisors meeting was adjourned at 10:07PM.

Respectfully submitted,

Lynda Seimes
Township Secretary