

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 28, 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: 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

Chairman Bennett announced the conference to be held at the Warrington Motor Inn on Rt. 611 on Tuesday, June 29, 1999 regarding the issue of sprawl and open space, and encouraged interested individuals to attend.

Chairman Bennett congratulated Mr. Horrocks for successfully completing the Pennsylvania RULE Leadership Program, which is an 18-month program under the sponsorship of Penn State University.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

At the last meeting, Supervisor Bender suggested allowing public comment following discussion of each individual topic. As long as the public comment period remains compact, Supervisor Bennington and Chairman Bennett agreed to the suggestion.

B. APPROVAL OF MINUTES – Action on the minutes of the June 7, 1999 Public Hearing/Worksession Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 7, 1999 Public Hearing/Worksession Meeting. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated June 29, 1999, with General Fund payments in the amount of \$66,752.72, Escrow Fund payments in the amount of \$25,588.29, State Highway Aid payments in the amount of \$2,551.45, and Fire Fund payments in the amount of \$42,600.00; for a grand total of all payments in the amount of \$137,492.46.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the General Fund Bills List dated June 29, 1999. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the Fire Fund Bills List dated June 29, 1999. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the State Highway Aid Bills List dated June 29, 1999. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the Escrow Fund Bills List dated June 29, 1999. There was no public comment.

Chairman Bennett presented three escrow releases for the Board's consideration:

Adolph Jager Subdivision	Voucher #03	\$ 209.92
Tall Oaks Subdivision	Voucher #17	\$ 449.14
Waste Management of Indian Valley	Voucher #18	\$ 149.02

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the release of the three escrows as noted above. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Jim Pifer – American Legion Waiver Request – Mr. Pifer was in attendance representing the Souderton Area Baseball League to seek a waiver of land development submission and fees to construct a small concession stand/storage area/meeting room on the American Legion field, located on Central Avenue. Mr. Pifer explained the league has grown over the past ten years from 350 youngsters to approximately 1,000, with many being Hilltown Township residents. The Souderton Area Baseball League is a non-profit organization who has raised funds from candy sales, etc. to construct the proposed building.

Supervisor Bennington suggested Mr. Pifer appear before the Planning Commission for their recommendation concerning the waiver of land development. Further, Mr. Horrocks suggested Mr. Pifer submit the proposal in writing to the Township for review. Additionally, Mr. Wynn advised the applicant to submit a sketch plan showing the property, and the size and location of the proposed building.

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

1. Mr. Horrocks announced the Supervisors and the Township Solicitor met in Executive Session prior to this meeting in order to discuss personnel and legal matters.

2. Mr. Horrocks advised three bids were opened this afternoon at 2:00PM. Bid results are as follows:

- Bid #99-2 – Asphalt – H & K Materials - \$78,500.00

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #99-2 for Asphalt to H & K Materials in the amount of \$78,500.00. There was no public comment.

- Bid #99-3 – Aggregate – H & K Materials - \$17,225.00

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #99-3 for Aggregate to H & K Materials in the amount of \$17,225.00. There was no public comment.

- Bid #99-4 – ID-2 Wearing Course – M & M Stone - \$223,090.66
 - Blooming Glen Contractors - \$227,192.90
 - Asphalt Care Equipment - \$229,101.86
 - Bracalente - \$232,379.80
 - Reid Paving - \$235,140.16
 - Intercounty Paving - \$263,840.00
 - P.K. Moyer - \$271,111.50
 - James Assoc. - \$286,018.00

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #99-4 for ID-2 Wearing Court to M & M Stone in the amount of \$223,090.66. There was no public comment.

F. CORRESPONDENCE –

1. Mr. Horrocks presented a petition signed by the residents of Beverly Road, expressing their opposition to extend the Beverly Road cul-de-sac into the proposed Hilltown Chase Subdivision.

2. Mr. Horrocks presented a petition signed by the residents of Highpoint Road requesting the installation of a street light at the intersection of Highpoint Road and Hilltown Pike. Mr. Horrocks noted Highpoint Road is a private roadway, and he will

notify those residents of the policy of the Township concerning streetlights on private roads.

3. Correspondence has been received from a resident of Hilltown Woods requesting that the speed limit on Schultz Road, Briarwood Drive, and Brinkley Drive be reduced to 25 m.p.h., and also to request the installation of "Watch Children" signs on the same roadways. Mr. Horrocks will notify the resident that the established Township policy is that if they purchase the sign, the Public Works Department will install them. With regard to the request to lower the speed limit, Mr. Horrocks advised there is a newly adopted Act allowing the Chief of Police to determine speed limits on interior roadways. Mr. Horrocks noted Schultz Road is not an interior road, however Briarwood and Brinkley are.

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

1. Solicitor Grabowski presented the executed Land Development Agreement for Kunkin Associates, located on Cherry Road/Cherry Lane.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to accept the Land Development Agreement for Leonard Kunkin Associates. There was no public comment.

2. A Conditional Use Hearing was held on June 14, 1999 for Haines and Kihblehouse. The transcript for that hearing arrived today. The attorney for H & K contacted Solicitor Grabowski, advising that correspondence would be forthcoming from the applicant to withdraw the application for Conditional Use. Solicitor Grabowski expects that the application will be re-filed as a result of the hearing that was held. The applicant had granted the Township a period of thirty days from the time of receipt of the transcript. Therefore, the Board has thirty days from today within which to make a decision on the matter.

3. Solicitor Grabowski requested an Executive Session with the Board of Supervisors following this meeting in order to discuss pending litigation.

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

1. Grasse Elementary School (Prel.)– Mr. Dennis McCall, Business Administrator of the Pennridge School District, along with two school board members – Mrs. Stemler and Mr. Theis; Dr. Kish, Superintendent; Mr. Hunter Johnson, architect; and Mr. Bob Showalter, engineer, were in attendance to present the plan.

The plan proposes an addition to include a multi-purpose room along with adjacent lobby space, restrooms for public/student use, a vestibule, and a small platform. There are some minor site modifications as well, including a detention basin to compensate for the roof areas and any other impervious areas proposed as part of that work.

This preliminary plan was unanimously recommended for conditional approval by the Planning Commission, subject to the following:

- Waivers were recommended from cartway widening, curb, and sidewalk along Rickert Road; minimum aisle width and minimum open space between the outside wall of the building and parking area subject to review by the servicing fire company; traffic impact study; miscellaneous design requirements for the detention basin; identifying lighting within the parking lots; and identification of topography within 100 ft. from the tract boundary with the exception of topography that is necessary along Rickert Road to verify basin drainage.
- Waiver to permit the detention basin bottom to have a slope of 0.35% and no concrete low flow channel, was unanimously recommended for denial by the Planning Commission. Pursuant to Section 516.5.H.(5) of the Land Development Ordinance, detention basin bottom minimum grade shall be 2% and all basin bottoms shall be designed with a 4 ft. wide parabolic concrete low flow channel from storm sewer endwalls and points of concentrated flow to the outlet structure.
- Stormwater Management Report and calculations must be revised to comply with Section 516 of the Land Development Ordinance.
- Verification of approval of Planning Module exemption must be received from PADEP.
- Correspondence must be received from the applicant verifying that additional water usage will not occur due to the addition of the gym.
- Plan must be submitted to the Fire Marshall and servicing fire company for review of access and building design as it pertains to fire fighting capability.
- Verification of approval of the revised plan must be received from the Bucks County Conservation District relative to sedimentation control.
- Ultimate right-of-way of Rickert Road is offered for dedication to Hilltown Township and will be accepted in accordance with Section 506.2.A.

- Concrete monumentation to delineate the ultimate right-of-way must be installed and certified in writing by the responsible surveyor prior to plan recordation.
- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of required improvements.
- Engineering/drafting details must be revised to address the concerns contained within the Township Engineer's review dated June 11, 1999.

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

2. Seylar Elementary School (Sewage Facilities) – Mr. McCall presented a brief history of the chain of events surrounding this proposal. Mr. McCall explained the School District recognized the need to improve both the Deibler and Seylar Elementary School buildings a number of years ago. In June of 1997, the School District authorized a feasibility study to be conducted to review those buildings, with the intent to construct additions and upgrade facilities. Part of that study encompassed the sanitary sewer issues at both schools. On September 15, 1997, a report was issued for both schools, and it was determined that Seylar Elementary School had four options for consideration, including an on-lot sewage system, a spray irrigation system, public sewer connection, or a package treatment plant. The recommendation at that time was to construct a package treatment plant, however the School District has always been more interested in connecting to public sewer, with the line running down a public roadway. However, there would have been over 5,000 ft. of roadway involved, and therefore, it was determined that it was not feasibly responsible to connect to public sewer in that way. The School District had not considered obtaining easements to run sewer lines across private properties, and this is the reason Mr. McCall believes a package treatment plant was recommended at that time. On January 18, 1999, Showalter Associates updated their report to reflect the fact that no new classrooms would be added to either the Deibler or Seylar schools. On February 10, 1999, Mr. McCall and Dr. Kish met at the Township building with a number of municipal officials, in order to determine how the project could be moved along. It was at that meeting that Mr. Horrocks suggested consideration be given to connecting to the public sewer system via Beverly Road. Obviously, with a much shorter distance for running sewer lines, Mr. McCall noted the cost would decrease dramatically. Mr. McCall commented the District does not wish to be in the business of maintaining a package treatment plant as they currently do in Bedminster. Mr. McCall wished to make it clear that the School District is not, in any way, shape or form, encouraging development in

Hilltown Township, nor do they want anyone else tying into their sewage system. Representatives of the School District have not spoken to any developers and they do not intend to. The first time Mr. McCall ever spoke to anyone from the Elliott Group was last week, when they approached him.

The applicant was present at the last Planning Commission meeting to discuss sewage facilities for the Seylar Elementary School. Currently, the plan proposes construction of a pumping station and force main connection to HTWSA facilities located on Beverly Road within the Hilldale Subdivision. The feasibility study submitted by the applicant's engineer identified the most feasible method of sewage disposal as a package treatment plant. The Planning Commission unanimously approved a motion to deny public sewer extension into the RR District and recommended a package treatment plant for Seylar Elementary School pursuant to the applicant's engineering study with the discharge pipe extended across the frontage of adjoining TMP #15-28-109 to the existing stream along Callowhill Road. No action was taken by the Planning Commission on the preliminary plan application.

Mr. Showalter noted connection to public sewer would be the most cost-effective method, and there would be no ongoing maintenance issues as there would be with an on-site package treatment plant. Mr. Showalter reminded the Board that the issue of timing is also an important factor, and if the District were to go through the procedure for submission of a package treatment plant, the permitting process with DEP could take up to a year. If the School District had not been informed about the possible connection to public sewer through Beverly Road, Supervisor Bennington asked if they would have continued with the proposal for a package treatment plant. Mr. Showalter replied the package treatment plant option would most likely have been proposed, simply due to the distance involved with running sewer lines through public roads. With regard to the sewer line extension, Supervisor Bennington asked how the School District could confirm to the Township that they would utilize the smallest size line possible to insure that no one else could connect to that sewer line, as well as an agreement that would stand up in court prohibiting any other connections to the sewer line. Mr. Showalter advised the pumping station could be limited, and the impeller sizes and the size of the force main itself could actually be kept down. Supervisor Bennington asked if Mr. Showalter has ever been involved with a similar issue in that a private easement could be so conditioned that no one could attack it in court to force a connection. Mr. Showalter advised it is not uncommon to have pumping stations service only small industrial buildings, etc., which would not entail a major amount of flow as it would with the elementary school. Mr. Showalter believes the flow from the Seylar School at present is less than 5,000 gallons per day, and probably closer to 4,000 gallons per day. Since there are no EDU's available at this time, Supervisor Bennington asked if the School District would get a special exception for a sewer line extension from P.W.T.A. because the school is a public institution. Even if a treatment plant is without available connections,

Mr. Showalter confirmed that a school does have an exemption, very similar to the situation with the new school in Silverdale. If a package treatment plant were to be utilized, Supervisor Bennington asked how the School District can assure the neighboring property owners that the discharge would not affect their properties. Mr. Showalter advised that part of the recommendation from the Planning Commission was to extend the outfall line down to a more sizable receiving stream on Callowhill Road.

Mr. Wynn asked if a written study has ever been conducted comparing the connection to public sewer through Beverly Road vs. the construction of a package treatment plant. Mr. Showalter explained a conceptual plan was prepared showing the location and route of the proposed force main. Mr. Wynn noted the Township has not reviewed an alternative analysis identifying this newly proposed route for connection. The current plan shows a 3-inch force main which terminates at the property boundary, however the plan does not show the actual route of the sewer line. Further, Supervisor Bennington commented a 3-inch force main can drive a great deal of sewage, possibly from many other developments. Discussion took place.

Mr. Ron Theis, member of the Pennridge School Board, asked Solicitor Grabowski if there is a legal way to stop any one other than the School District from tying in to the public sewer line in the future. Discussion took place.

*8:37PM - A ten-minute recess was called by Chairman Bennett in order for discussion with the Township Solicitor. The regularly scheduled meeting of the Hilltown Township Board of Supervisors of June 28, 1999 was reconvened at 8:55PM.

Regardless of whether the School District connects to public sewer or constructs a package treatment plant, Supervisor Bender advised legal assurances to protect the Township would be required.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to direct the Pennridge School District to complete an updated sewer plan, including assurances of those areas of concern as mentioned this evening and comparing costs for the direct connection to public sewer vs. the construction of a package treatment plant; and also to grant the Township a written extension for preliminary plan review by the Planning Commission and the Board of Supervisors. There was no public comment.

Mr. Theis commented the School District should not be in the business of supporting package treatment plants. Additionally, Mr. Theis noted the three letters submitted to the Township clearly stated that the proposal for connection to public sewer would be a private lateral with no other connections permitted. At the cost of \$8,300.00 per student,

Mr. Theis reminded the Board that the School District is not a proponent of development.

The applicant granted a written extension for further review of the preliminary plan for the Seylar Elementary School.

3. Our Lady of Sacred Heart Church (Prel./Final) – By a 4-1 vote of the Planning Commission, this plan was recommended for preliminary/final approval conditional upon the following:

- Waivers of land development requirements were recommended for proposed parking spaces located along the exit drive to Hilltown Pike; stormwater management to control additional run-off due to the proposed construction only; and plantings along the parking area expansion.
- Stormwater management facilities must be revised to comply with the Neshaminy Creek Stormwater Management Ordinance, specifically with respect to the requirement for discharge of the first flush storm (1 year storm) over a 24-hour period.
- Maintenance responsibility for the basin and storm sewer collection facility must be addressed on the plan in a manner satisfactory to the Township.
- Buffer plantings along TMP #15-28-145-2 (Habitations, Inc.) which are not required by the Zoning Ordinance since the property is in agricultural use may be removed from the plan.
- Verification of approval must be received from Bucks County Conservation District for erosion and sedimentation control measures.
- A Financial Security/Development Agreement must be executed between the applicant and the Township to guarantee public improvements.
- Miscellaneous engineering/drafting details must be revised on the plan to comply with the June 14, 1999 engineering review.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant preliminary/final plan approval to Our Lady of Sacred Heart Land Development plan. There was no public comment.

4. A & T Subaru – This plan was discussed with the applicant at the Planning Commission meeting held on May 17, 1999. Since that time, there have been no additional documentation or plans submitted, and due to the Municipalities Planning

Code requirements for action on submitted plans, the Planning Commission unanimously recommended denial of the plan unless an extension in the review period is received from the applicant. The current deadline for action by the Supervisors expires on July 18, 1999. The reasons for denial of the plan is non-compliance with Zoning Ordinance and Subdivision regulations as contained in the April 29, 1999 engineering review and the May 6, 1999 Bucks County Planning Commission review.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the A & T Subaru Land Development Plan unless an extension is granted by the applicant by July 18, 1999. There was no public comment.

5. Kunkin Steel (Revised Final) – The Kunkin Steel Subdivision and Land Development plan received final approval by the Supervisors at their May 19, 1999 meeting. One condition of plan approval was consolidation of three parcels into one lot. Subsequently, the applicant discovered that consolidation of the three parcels into a single deed with a single outboundary description could not readily occur due to different ownership and financing. The revised final plan proposes the same construction as the initial plan with the exception that all three parcels are not consolidated into one deed. The Planning Commission unanimously recommended approval of the revised final plan.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the revised final plan for the Leonard Kunkin Land Development Plan, as noted above. There was no public comment.

6. Hilltown Chase (Sewage Facilities) – Pursuant to the applicant's request, the Planning Commission addressed the sanitary sewage facilities issue for the site. Currently, the plan proposes extension of public sewers from the existing HTWSA manhole within Beverly Road via construction of a pumping station and force main. The Planning Commission unanimously recommended denial of the request to extend public sanitary sewers into the RR District for this development. No action was taken by the Planning Commission relative to any alternative sewage facilities or on the preliminary plan submission itself.

Mr. Robert Gundlach, attorney representing the Elliott Building Group, along with Mr. John DiPasquale, vice-president of the Elliott Building Group, and Mr. Larry Byrne of Carroll Engineering, were in attendance to present the plan.

Mr. Gundlach advised the proposed lots have increased in size from the original Ordinance requirement for a minimum lot size of 7,500-sq. ft. up to 12,500-sq. ft.. At a previous meeting, Supervisor Bennington requested an analysis as to whether on-site systems on each of those lots would be feasible. A full analysis was performed and the results were provided to the Township. Mr. Gundlach advised the conclusion of the

analysis and the recommendation of the applicant's engineer is that the preferred method for providing sewer to the site was through the public sewer system, although a package treatment plant is also feasible.

Supervisor Bennington notified the applicant of the requirement for a transportation study for a proposal of less than 75 lots. Mr. Wynn advised traffic correspondence information was submitted by the applicant at the March 12, 1999 meeting, which is not a "traffic study" per se. It is Mr. Wynn's understanding that the information submitted would be reviewed between now and the next meeting to determine whether or not any further traffic study information is required.

Motion was made by Supervisor Bennington to require a traffic study from the Elliott Building Group for the Hilltown Chase Subdivision, due to the impact on Telegraph Road and the Telegraph Road/Rt. 113 intersection.

Mr. Gundlach advised a preliminary study was conducted by FAZ Associates, traffic consultants, which was provided to the Planning Commission at their last meeting. Mr. Gundlach asked the Planning Commission to review it and advise the applicant if further information was warranted. Mr. Gundlach would agree to defer that decision to the Board of Supervisors or to the Planning Commission following review of the information that has been provided, given the fact that the applicant is contemplating 50 lots with two accesses. Mr. Gundlach believes there was a general agreement among Planning Commission members that the applicant would not be able to meet the warrants for a traffic signal, and that the applicant proposed roadway widening, thereby meeting all of the potential requirements of the Ordinance in that regard.

Supervisor Bennington's motion was seconded by Supervisor Bender and carried unanimously. Motion passed. There was no public comment.

Upon review of the analysis, Supervisor Bennington noted there are six to ten perks available on that property, with no chance for spray irrigation on the site. Supervisor Bennington was intrigued by a suggestion made by a Planning Commission member to install 50 individual package treatment plants, which he feels is absolutely ludicrous and not even an alternative. Therefore, the only two viable alternatives include a package treatment plant or the extension of public sewer. Mr. Gundlach commented that this same issue was reviewed by Hilltown Township previously when the Beverly Road subdivision was proposed. In the existing Act 537 Plan, Mr. Gundlach believes the Beverly Road area was located in the RR District at the time of Act 537 Plan adoption and was in the district contemplated as the future development district. The Beverly Road area, according to Mr. Gundlach, was also identified exactly the same as the applicant's property as to a proposed sewer service area, actually identified in the Plan as Figure 4.1 "Existing and Future Sewer Service Areas" under H.T.W.S.A service area. At

that time, Mr. Gundlach understands that the Supervisors struggled with the decision to permit public sewer to the Beverly Road area, however based upon the facts and circumstances, they did vote to allow that property to connect to public sewer. Supervisor Bennington responded that Mr. Shannon from Trefoil Associates recently came before the Planning Commission and the Board of Supervisors with a very similar request for a property located in the RR Zoning District, and was denied unconditionally.

Supervisor Bender reminded those in attendance that on May 29, 1999, when he was sworn in as a Supervisor of Hilltown Township, he stated that he would abstain from discussions concerning sewage for this property due to previous comments that were made as a result of a unanimous opinion of the Hilltown Water and Sewer Authority, of which is also a member. Mr. Gundlach asked for the opinion of the H.T.W.S.A. concerning this site and the request for connection to public sewer. Supervisor Bennington recalls correspondence dated May 14, 1999 from Mr. Groff, manager of the Authority, that the applicant should not assume that a sewer line extension would be permitted to this site, and the Authority made no specific recommendation, to his recollection. Mr. Gundlach advised it is the applicant's preference to connect to the public sewer system, as recommended by Van Cleef Engineering and Carroll Engineering, in lieu of an on-site package treatment plant. However, if the Board of Supervisors insists that the applicant must construct a package treatment plant, the Elliott Building Group is prepared to move forward in that fashion. The plant would be designed in compliance with the recommendations and specifications of the Hilltown Authority, and the applicant would be agreeable to construct a facility limited to servicing only those 50 dwellings, if the Township so desires.

In the Comprehensive Plan as finalized in 1989, the long-term land use included this particular parcel as part of the future development district for Country Residential. If this particular parcel were zoned CR-II, Supervisor Bennington asked if any additional lots, over and above the current 50, could be proposed. Mr. Wynn replied that less lots would be permitted under current Ordinance requirements. Supervisor Bennington offered a compromise solution for consideration. If a zoning change was made to re-zone the property to CR-2 thereby permitting public sewer extension, Supervisor Bennington asked if the applicant would consider significantly reducing the number of lots; removing the proposed through street and revising the plan to show a loop road which enters and exits on Telegraph Road. Further, Supervisor Bennington commented the motion that was made earlier to require a traffic impact study of this site should also include the intersection of Rt. 113 and Telegraph Road.

Mr. Gundlach advised the overriding factors in the negotiation of a purchase price and other economic factors, is lot yield. Mr. Gundlach's client agreed to a purchase price on this property based upon projected lot yield and Township Ordinances at the time of negotiation. The Ordinance in effect at the time of subdivision submission took

advantage of many of the Growing Greener concepts which the Elliott Building Group endorses and supports, and which contemplated a certain number of lots. At this time, based upon the economics of the transaction, Mr. Gundlach's client must remain with the number of lots permitted at the time of plan submission. The applicant would have some flexibility with respect to the elimination of the access to Beverly Road, and would also consider reducing the open space area and increasing the size of the lots, but not at the cost of reducing the number of lots. Mr. Gundlach will certainly review these suggestions with the applicant and will submit a possible revised sketch plan for the Planning Commission and the Supervisor's consideration at their July meetings.

*9:40PM – Chairman Bennett called for a five-minute recess. The regularly scheduled meeting of the Board of Supervisors of June 28, 1999 was reconvened at 9:50PM.

7. Orchard Hill (Prel.) – During the June 21, 1999 Planning Commission meeting, Mr. Wynn advised a motion was made and approved to recommend that the Board of Supervisors not accept an extension in the time period for review of the Orchard Hill preliminary Plan, which was granted by the applicant. Further, the Planning Commission recommended denial of the preliminary plan as insufficient. The applicant was notified of this recommendation and advised that the issue would be discussed at this meeting.

Mr. John Van Luvanee, representing the Heritage Building Group, was in attendance to discuss the plan. Mr. Van Luvanee noted the extension offered by the Heritage Building Group in the June 10, 1999 correspondence is still being offered to the Township, and it is their preference to revise the plan as suggested by Mr. Wynn's review, and proceed in a normal fashion. If the Board does not see fit to consider granting the extension, the applicant is prepared to discuss Mr. Wynn's engineering review letter.

Supervisor Bennington stated that there is no one who would want to stop this particular development from moving forward more than he would since his home is directly across the street from it, however he recognizes the rights of the developer or any other property owner in Hilltown Township, including due process and civil rights. The Heritage Building Group forwarded correspondence to the Township requesting that the Orchard Hill Subdivision be removed from the Planning Commission agenda of June 20, 1999 and place it on the July 19, 1999 Planning Commission agenda. The purpose of the request was to give the applicant's engineers time to revise the plans based upon the Township Engineer's review comments. That was not done. Supervisor Bennington asked Mr. Wynn if the Orchard Hill plan, with respect to other plans from any of the nine Townships he represents, was any worse or any better with regard to the review. Mr. Wynn responded that the Orchard Hill plan is a typical preliminary plan submission, with nothing severely deficient in the plan that would allow a municipality to reject acceptance of the plan. Mr. Wynn commented that all the major components of a submission were

present on the plan, however there were some issues that required plan revision such as open space or lots, though many of those items are expected during the first submission of a preliminary plan. Supervisor Bennington asked if any of the nine Townships Mr. Wynn works for, including Plumstead, have ever denied acceptance of a plan for review. Mr. Wynn explained that plans have been denied for issues such as lack of fees paid, incomplete applications, or a traffic study that was not submitted as required, however a submission was not rejected because it did not meet all the requirements of the Subdivision/Land Development Ordinance.

Motion was made by Supervisor Bennington to grant the extension for review of the Orchard Hill Subdivision, under the guise that Heritage Building Group review and revise the plan to be submitted for further Township review, with the Supervisors reserving the right to deny the plan if it is considered unacceptable at that time. In view of Supervisor Bennington's earlier comments, Supervisor Bender suggested that the Heritage Building Group consider reviewing their plan proposal to come up with something more palatable. With that statement, motion was seconded by Supervisor Bender, and carried unanimously. Motion passed. There was no public comment.

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

1. Quiet Acres Mobile Home Park (Completion Request) – Via correspondence dated May 24, 1999, the applicant advised that all punchlist items have been completed and requested release of remaining escrow funds. An inspection of the site was made by Mr. Wynn's office on June 10, 1999 and a revised punchlist dated June 11, 1999 was forwarded to the applicant. As a number of "clean-up" and landscaping items remain to be completed, Mr. Wynn recommends formal denial of the request to accept completion of improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the request for extension of completion of improvements for the Quiet Acres Mobile Home Park and to deny release of the remaining escrow funds. There was no public comment.

2. Waste Management (Completion Request) – In response to a punchlist dated May 28, 1999 prepared by Mr. Wynn notifying the owner that all improvements must be completed by June 22, 1999, correspondence dated June 8, 1999 was received from Waste Management of Indian Valley advising that remaining items have been accomplished, and requesting acceptance of completion of the 18 month maintenance period. A follow-up inspection indicates that the remaining items (removing bracing and supports from all required landscaping, removal of inlet filters upgrade of the detention basin, and mowing/removal of debris within the buffer yard area have been accomplished. Accordingly, Mr. Wynn recommends approval of completion of the

maintenance period and release of remaining escrow funds less any remaining administrative, legal, or engineering costs. Mr. Wynn noted this escrow fund is two different items – one is a performance bond still in the original amount of \$833,150.00, and one is a cash escrow retained by the Township in the amount of \$17,453.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the completion of the maintenance period for Waste Management and to release the remaining escrow funds less any remaining administrative, legal or engineering costs due. There was no public comment.

3. Orchard Glen (Extension) – Correspondence dated May 3, 1999 was received from the applicant requesting an extension in the time frame for completion of required improvements at Orchard Glen Subdivision until the fall of 1999. At the Supervisors meeting of May 10, 1999, the extension request was tabled for discussion at a later meeting. Since that time, a number of street trees and buffer yard plantings were installed at the site. In addition to general site clean-up, stabilization, and installation of remaining trees; installation of final wearing course paving remains to be completed. Landscaping items can not be reasonably accomplished at this time due to weather conditions. Mr. Wynn recommends acceptance of an extension in the time frame for completion of improvements until September 30, 1999, at which time further review will take place concerning the buffer plantings.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept an extension of the time frame for completion of public improvements until September 30, 1999 for the Orchard Glen Subdivision, with verification. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to declare the developer of Orchard Glen Subdivision in default unless an extension is granted to the Township or the letter of credit is extended past June 30, 1999. There was no public comment.

4. Tall Oaks (Completion Request) --Correspondence dated June 17, 1999 was received from the applicant requesting verification that all work at the subdivision has been completed. As of this date, there are remaining issues that have not been completed. Mr. Wynn has advised the developer of the outstanding items by way of a June 23, 1999 correspondence.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny completion of the maintenance period for the Tall Oaks Subdivision at this time, advising the developer that if these items are complete, it will be considered for approval at the July 26, 1999 meeting. There was no public comment.

5. Hipple (Extension) – The deadline for completion of public improvements within the subdivision located at Mill Road and Green Street is July 16, 1999. Correspondence dated June 10, 1999 was received from John Rice, Esquire, on behalf of Ms. Hipple, requesting an extension until October 1, 1999. The major item not completed is installation of street trees and removal of the shed. Due to current weather conditions, Mr. Wynn recommends approval of the extension to permit installation of the trees in early fall of 1999. Discussion took place concerning the removal of the shed.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant an extension to the Hipple Subdivision as noted above. There was no public comment.

J. MYLARS FOR SIGNATURE:

1. Hilltown Plaza Renovations
2. North Penn Industrial Center
3. Leonard Kunkin Land Development
4. Leonard Kunkin Lot Line Adjustment

K. PUBLIC COMMENT:

1. Mr. Ron Theis noted Supervisor Bennington had stated that he would not be in attendance at the July 26th meeting, and wondered what it will mean for the School District's proposal for Seylar Elementary School. Discussion took place as to whether the regular Supervisors meeting should be rescheduled to accommodate discussion concerning the Seylar Elementary School Land Development. It was determined that the School District would present their proposal at the July 26, 1999 meeting as originally scheduled.

2. Mr. Bill Rieser of 508 Telegraph Road was concerned that the summarization made with regard to the suggestion to revise the Hilltown Chase Subdivision plan to reduce the number of lots might not have been clear to the developer. Supervisor Bennington assured Mr. Rieser that he was as clear as possible, without dictating how the plan should be proposed. Mr. Rieser also hoped that when the Elliott Group prepares the traffic study they take into consideration the proposed development by Heritage Building Group and the traffic impact on Telegraph Road.

3. Mr. Jack Fox of Hilltown Pike asked if Supervisor Bennington listened to the tape of the June 21, 1999 Planning Commission meeting with regard to the Hilltown Chase proposed sewage facilities, and if so, did he consider the comments made concerning DEP deciding what type of sewage disposal would be feasible for each of the 50 lots. Supervisor Bennington commented he refused to get into a "verbal sparring" match with Mr. Fox regarding this subject.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington felt that a Township wide water study should be conducted. Such a proposal has been suggested in the past, however it was intimated at that time that the cost would be prohibitive. Supervisors' Bennington and Bender attended a recent Pennridge Area Coordinating Committee meeting where this topic was discussed. Representatives of the Coordinating Committee advised that a hydrologist had attended a previous meeting, suggesting that a complete Pennridge area water study be conducted. This joint study would include East Rockhill, West Rockhill, Bedminster and Hilltown Townships. The reason for a joint study is because a water study of Hilltown alone, without the impact of the neighboring municipalities, would have no validity. Dr. Derstine, chairman of the West Rockhill Board of Supervisors, advised there are grant funds available through the State to do this type of study. It is estimated that a joint study would cost each municipality approximately \$40,000.00 spread over a two-year time period, which Supervisor Bennington noted is approximately \$60,000.00 less than the Township would have paid had the study been conducted for Hilltown alone. Funds could be set aside in the year 2000 budget to accomplish this. Supervisor Bennington believes the resulting benefit of a joint water study could allow Hilltown Township, as well as the other participating municipalities to stop development if it can be proven that water is not available.

Motion was made by Supervisor Bennington to direct Supervisor Bender to notify the Pennridge Area Coordinating Committee on July 29, 1999, that Hilltown Township is extremely interested in participating in a joint water study with East Rockhill, West Rockhill, and Bedminster Townships. Supervisor Bender noted the Hilltown Authority has begun preliminary work on a water study for the Township, and he would like them involved with the water study process. The Supervisors agreed. Motion was seconded by Supervisor Bender and carried unanimously. There was no public comment.

2. Supervisor Bennington requested that the Planning Commission expedite their review of the Act 537 Plan immediately, so that it can be adopted by the Supervisors and the process can begin for construction of the Authority's sewer plant. Supervisor Bennington asked that the Planning Commission's recommendation be forwarded to the Supervisors prior to their August 9, 1999 Worksession meeting.

3. Due to the amount of erroneous information that is being passed around, Supervisor Bennington suggested that a joint meeting between the Board of Supervisors and the Planning Commission be held to discuss issues that are a priority to the Township. Supervisors Bennett and Bender agreed. Mr. Horrocks will coordinate schedules to determine a date suitable to both boards.

4. Several of Supervisor Bennington's neighbors have complained about weapons being fired in the area. In fact, Chief Trauger attended a meeting at the Orchard Station development to discuss residents concerns with regard to discharge of firearms. The Township is in the process of reviewing the Firearms Ordinance, however Supervisor Bennington would like to expedite that review in order to revise the Firearms Ordinance. The Supervisors were in agreement.

The District Attorney's Office, the Pennsylvania Game Commission, the Township Solicitor's office and Chief Trauger have been reviewing the Firearms Ordinance for deficiencies, and Solicitor Grabowski believes that within the next 30 days, a stronger proposed Firearms Ordinance could be available for the Supervisor's consideration.

5. Supervisor Bender advised progress is being made with the Open Space Committee seeking land to purchase. Solicitor Grabowski attended the last Open Space Committee meeting, where authorization to investigate several different properties was given. Contact has been made with two additional property owners in an attempt to schedule a meeting to determine whether the landowners might be interested in participating in an open space acquisition program with the Township.

Supervisor Bennington noted that there is a vacancy on the Open Space Committee, and encouraged any interested individuals to apply.

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 to adjourn the regularly scheduled meeting of the Hilltown Township Board of Supervisors at 10:30PM.

Respectfully submitted,



Lynda Seimes
Township Secretary