

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
RESCHEDULED MEETING  
Wednesday, May 19, 1999  
7:30PM

Swearing In Ceremony - Judge Gaffney performed the swearing in ceremony for incoming Supervisor John S. Bender.

Supervisor Bender thanked Supervisors Bennett and Bennington for the opportunity to serve on the Board of Supervisors, and thanked everyone in the community for their good wishes. Most importantly, Supervisor Bender thanked his family for their support and encouragement.

A. The rescheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:31PM 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

B. PUBLIC COMMENT ON AGEND ITEMS ONLY: None.

C. APPROVAL OF MINUTES - Action on the minutes of the April 26, 1999 Board of Supervisor's Meeting - Supervisor Bennington made the following clarification to page 8, third paragraph, first sentence, which should read "Supervisor Bennington is not at all happy with the proposal submitted by Heritage for 351 homes which will be located across the street from his home."

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to approve the minutes of the April 26, 1999 Board of Supervisor's Meeting, as corrected. Supervisor Bender abstained. Motion passed. There was no public comment.

Action on the minutes of the October 28, 1998 Zoning Amendment Public Hearing - Supervisor Bennington pointed out these minutes are a summary only, and if there are additional questions, the entire transcription is available for review at the Township office.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to approve the minutes of the October 28, 1998 Zoning Amendment Public Hearing, as written. Supervisor Bender abstained. Motion passed. There was no public comment.

D. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated May 20, 1999, with General Fund payments in the amount of \$28,622.31, State Highway Aid payments in the amount of \$738.29, and Escrow Fund payments in the amount of \$305.60; for a grand total of all payments in the amount of \$29,666.20.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated May 20, 1999. There was no public comment.

E. CONFIRMED APPOINTMENTS:

1. Mr. Dan O'Connell -- McCauley Subdivision Waiver Request. -- Mr. Dan O'Connell of Landview Environmental Services, was in attendance representing Ms. Lori McCauley. The applicant has submitted Act 537 Planning Modules for a spray irrigation system for a two-lot subdivision. The spray irrigation system for the new lot has been approved by the Bucks County Department of Health. As part of the Act 537 requirements, a maintenance agreement is required between the Township and the property owner. Mr. Wynn commented the maintenance agreement is executed once the Planning Commission has acted on the plan, which in this case, has not yet been done.

Mr. Wynn was under the impression that the reason the applicant is on the agenda this evening is a request that Landview Environmental Services made on April 16, 1999 via letter to the Township, requesting waivers from Ordinance #96-4, which governs spray irrigation systems within the Township. Mr. O'Connell commented he has reviewed the plan since that time, and now believes that he will be able to comply with most of the requirements of Ord. #96-4. Therefore, Mr. O'Connell is not certain which, if any, of the waivers they may require. Mr. O'Connell is present this evening to request execution of the maintenance agreement. Mr. Wynn explained that once the Planning Commission has taken action on a plan that includes a spray irrigation system, small flow treatment plant, or any other type of system that requires an agreement with the Township, that plan comes before the Board of Supervisors. The Supervisors then direct the Township Solicitor to prepare that agreement, thereby making it a condition of the plan. Solicitor Grabowski commented there may be requirements recommended by the Planning Commission and/or the Board of Supervisors that are unique to this property, however they will not know that until a recommendation is received from the Planning Commission.

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

1. Last week, Mr. Horrocks instructed the Township Solicitor to advertise a hearing date of June 7, 1999 for the Public Hearing to consider the Cluster Zoning Ordinance amendment. This would move the public hearing, and possible adoption and

enactment of the amendment up by one week. The legal advertisement was in the newspaper with that date. At this time, Mr. Horrocks is seeking a motion from the Board of Supervisors to change the June 14, 1999 Worksession meeting date and Public Hearing to consider the revised Cluster Ordinance to Monday, June 7, 1999.

Motion was made by Supervisor Bennington, and seconded by Supervisor Bender to change the June worksession meeting of the Hilltown Township Board of Supervisors from Monday, June 14, 1999 to Monday, June 7, 1999 at 7:30PM. Chairman Bennett was opposed because he was not consulted and will be out of town on that date. Motion passed. There was no public comment.

G. CORRESPONDENCE: None.

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

1. A written decision for the Conditional Use application of Barry P. Hewitt, which was held on April 21, 1999, was presented to the Board for signature and adoption.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett, to adopt the written decision of the Conditional Use hearing for Barry P. Hewitt. Supervisor Bender abstained. Motion passed. There was no public comment.

2. Solicitor Grabowski presented a settlement agreement relating to the outstanding lawsuit by WaWa and Joseph Pileggi. Solicitor Grabowski explained that Mr. Pileggi had sold the property on which the WaWa store is presently located. There was a property dispute between the two parties as to whether or not the road frontage that had been previously conveyed to the Township was or was not included in the sale of the site. The Township's dealings with Mr. Pileggi was that if an easement were given to the Township, the Township would give back the strip of road frontage. Agreements were prepared many years ago that would accomplish that task, however WaWa was of a different opinion. They believed that an Ordinance by the Township actually vacating a part of the road was necessary.

Solicitor Grabowski advised the proposal to the Township is that if a Road Vacation Ordinance was adopted to satisfy the requirements of the title company involved, WaWa would be agreeable to pay the sum of \$2,500.00 to the Township to compensate for time and expense involved on this matter. Further, this solution would resolve the lawsuit involving all three parties.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, to accept the settlement agreement for WaWa vs. Joseph Pileggi; and to authorize the

advertisement of a Road Vacation Ordinance, as specified above. Supervisor Bender abstained. Motion passed. There was no public comment.

3. Solicitor Grabowski asked the Board to consider a possible date in June for scheduling of a Conditional Use Hearing in the matter of Haines and Kibblehouse, who filed an application on April 26, 1999 to allow for the installation of a private radio/telephone tower on the quarry property.

Supervisor Bennington asked why the applicant can not utilize an existing tower, rather than constructing their own private, 150-ft. tower. Mr. Horrocks advised the applicant was asked that question, and they responded that they have repeatedly attempted to contact the owner of the 300+ ft. microwave tower on Broad Street, to no avail. Discussion took place.

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

1. North Penn Industrial Subdivision (Final) – The plan proposes to subdivide a tract of 42.9 acres into two lots for industrial development. Proposed Lot #1 will be 14.62 acres. Proposed Lot #2 will be 28.32 acres. In addition, TMP #15-22-71 will be combined with Lot #1 in common deed. Public water and sewer serve the site. No development is being proposed at this time. The site is located on Rt. 309, approximately 1,000 ft. south of Maron Road.

The Planning Commission recommended final plan approval, subject to the following conditions:

- Note #8 on the plan must be revised to indicate "Land development plans prepared in accordance with Hilltown Township Subdivision and Land Development Ordinance must be submitted to and approved by Hilltown Township prior to any further subdivision or development of either Lot #1 or #2."
- Plans must be revised to conform to the following minor subdivision plan requirements.
  - a. Boundary line shall be a solid heavy line.
  - b. Location Map shall be drawn at a scale of 1" = 800' showing relation of site to adjoining properties, proposed property lines, and streets.
  - c. Location map shall contain a north arrow.
  - d. Location map shall contain a graphic scale.
  - e. Planning Modules shall be submitted with preliminary plan

- (unless waived by PADEP).
- f. Acknowledgement block for signature for Township Engineer shall be removed from plan pursuant to Section 404.7 of the SALDO.
  - g. "RR-Residential" Zoning District shall be revised to "Rural Residential."
  - h. Note referencing the centerline previously approved Industrial Drive shown on a plan of subdivision by Herbert H. Metz, dated November 11, 1988, last revised February 28, 1991, and previously approved PennDot permit must be expanded to indicate that both the subdivision plan and PennDot permit are now voided.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the North Penn Industrial Subdivision, pending completion of all outstanding items as noted above and recommended by the Hilltown Township Planning Commission and Mr. Wynn's office. There was no public comment.

2. Kunkin Steel (Final) - The Planning Commission recommended conditional final plan approval to the Kunkin Steel plan, pending completion of the following items:

- A PennDot Highway Occupancy Pennit must be obtained for the proposed intersection improvements at Cherry Lane/Bethlehem Pike which encroach within the right-of-way of Bethlehem Pike.
- Development/Financial Security Agreements must be executed between the applicant and Township to guarantee installation of required improvements and finalization of design and construction of improvements at the intersection of Cherry Lane and Bethlehem Pike.
- The following engineering/drafting details must be addressed on the plan:
  - a. Storm drain trench restoration detail on sheet 5 of 5, must be revised to specify a minimum of 6" of stone beneath the pipe.
  - b. Class AA concrete must be specified for the proposed curb at the intersection of Cherry Lane and Bethlehem Pike on the intersection improvement plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant preliminary/final plan approval to the Leonard Kunkin

Associates Land Development, pending completion of the outstanding items listed above as recommended by the Hilltown Township Planning Commission and Mr. Wynn's office. There was no public comment.

3. Balco Subdivision (Final) - The Planning Commission recommended preliminary/final plan approval to the John E. Balco Subdivision, pending completion of the following outstanding items:

- Request for waiver of street improvements, curbs, sidewalks, and streetlighting is approved subject to the applicant deed restricting the parcels from further subdivision in a manner satisfactory to the Township Solicitor. The deed restriction must also be noted on the record plan.
- Driveway entrances to Telegraph Road must be paved to ultimate right-of-way lien and designed to accommodate the existing roadside swale. Construction details for the driveways must be included on the plan in compliance with Section 511 of the Subdivision Ordinance.
- Stormwater management analysis for the proposed development must be submitted and conform to the performance principal of Section 516 of the Subdivision Ordinance.
- Sewage facilities planning module must be approved by PADEP. As Lot #1 is to be served by an Individual Resident Spray Irrigation System (IRSIS), an operation and maintenance agreement must be executed between the applicant and the Township in accordance with Ordinance #96-14. Further, prior to construction, an IRSIS Permit is required to be obtained from Hilltown Township.
- Property monumentation must be installed prior to plan recordation and be certified in writing by the responsible surveyor.
- The plan identifies an "old abandoned well" located in the rear of Lot #1. Due to its proximity to the proposed spray field, the well must be closed in accordance with the Bucks County Department of Health/PADEP standards. Correspondence must be received from the Bucks County Department of Health indicating compliance with closure requirements.

The following plan submission requirements of Section 402 of the Subdivision Ordinance must also be addressed:

- Each plan sheet must be numbered to show its relationship to the total number of sheets. Additionally, an index must be provided on the record plan.
- A copy of the current deed of record for that tract must be submitted to the Township.
- Location map must include a graphic scale and north arrow.
- Township road number for Telegraph Road must be labeled.
- Existing and proposed property monumentation must be clarified on the plan in accordance with Section 522 of the Subdivision Ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the Balco Subdivision, pending completion of all outstanding items as noted above by the Planning Commission and Mr. Wynn's office. There was no public comment.

4. Lesko Subdivision (Final) – The Planning Commission recommended final plan approval of the Lesko Subdivision, pending completion of the following outstanding items:

- Site capacity calculations contained on the plan have not been prepared in conformance to requirements of Section 501 of the Zoning Ordinance, as amended by Ordinance #98-13 on October 28, 1998. Calculations must be revised to determine net buildable site area, maximum number of dwelling units, and impervious surface ratio as required by Ordinance #98-13.
- A note must be added to the plan indicating that if the existing dwelling on Lot #1 is demolished and a new dwelling is constructed, the new dwelling must be connected to public water facilities of the North Penn Water Authority, which are available at the intersection of Cherry Drive and Cherry Road. The owner of Lot #1 is required to make the necessary connection and pay all applicable fees to the North Penn Water Authority, and secure a Highway Occupancy Permit from Hilltown Township for that portion of the public water connection located within the right-of-way area of Cherry Road.
- Verification of approval must be received in writing from the Hilltown Township Water and Sewer Authority regarding payment of capacity and connection fees for public water connection for Lot #1. Prior to

construction of a sanitary sewer lateral for Lot #1, a Highway Occupancy Permit must be obtained from Hilltown Township for that portion of the lateral construction located within the right-of-way of Cherry Road.

- Details to verify conformance to driveway standards required by Section 511 of the Subdivision Ordinance must be included on the plan for the proposed driveway for Lot #1. This includes driveway profile, grading, treatment of stormwater along Cherry Road, and sight distance. In the event the driveway location does not conform to the desirable sight distance of PennDot Chapter 441, the driveway must be relocated to the west side of the existing dwelling. Locating the driveway west of the dwelling requires a waiver of Section 511.1.A of the Subdivision Ordinance, which provides a driveway shall be no less than 60 feet from any street intersection.
- Plan must be revised to clarify the location and number of wells which exist on Lot #1
- A swale is located along the western boundary of the site from Cherry Road to the rear of the property. Where the drainage swale discharges into the Cherry Road right-of-way, the drainage ditch is eroded. This area must be stabilized with rip-rap material.
- A drain line (basement/sump pump?) is located near the portion of the driveway on Lot #2 identified as "to be replaced." The drain line from Lot #2 is located on and discharges into Lot #1. This drain line must be identified on the plan and an easement must be granted across Lot #1 for the benefit of Lot #2 to encompass the swale from the drain line across Lot #1 discharging into a swale along the western boundary of Lot #1.
- Two street trees are proposed for installation along the frontage of Lot #2. Trees must be installed prior to plan recordation and meet all requirements of Section 515 of the Subdivision Ordinance.
- Driveway relocation proposed for Lot #2 must be accomplished prior to plan recordation.
- Erosion and sedimentation control details must be included on the plan for earth disturbance associated with the driveway relocation on Lot #2 and driveway construction on Lot #1 as required by Section 402.4.G of the



Subdivision Ordinance. Verification of approval of erosion and sedimentation control measures must be received in writing from the Bucks County Conservation District.

- All new property corners must be concrete monuments pursuant to Section 522.2 of the Subdivision Ordinance. Plan must be revised accordingly. Property corners must be installed and certified in writing by the responsible surveyor prior to plan recordation.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to grant final plan approval to the Lesko Subdivision, pending completion of all outstanding items as noted above by the Planning Commission and Mr. Wynn's office. There was no public comment.

5. Orchard Glen – Landscaping – Mr. Wynn advised the Board had discussed the lack of landscaping in the Orchard Glen Subdivision at their last meeting. The applicant's period of completion expires on June 30, 1999 and they had requested an extension at that time which was tabled by the Supervisors. Mr. Wynn noted the applicant is attempting to secure and install the required trees. One item the applicant has requested is that the buffer yard trees, which are located in the rear yards and required to be Red Maples, be changed to Pear Trees. Mr. Wynn would not recommend this change. The applicant is also requesting that all the street trees be changed to Callery Pear, and not Maples as proposed. Discussion took place. The Supervisors denied the applicant's request to substitute other trees for those that were originally requested on the plan.

6. Supervisor Bennington understands that the Pennridge School District was dissatisfied with Mr. Wynn and the Township regarding the plans they had submitted for connection to public sewer lines for Seylar and Grasse Elementary Schools. Mr. Wynn explained a review of plans for both schools was conducted by his office, however the plans as submitted were deficient from a number of Ordinance requirements. Also, the Seylar School was proposed for public sewer, although there was no Act 537 Plan submitted. Mr. Wynn noted no representative from the School District was in attendance at the Planning Commission meeting two nights ago. However, after the plan submission, and prior to the Planning Commission meeting, Mr. Wynn stated correspondence was received from the School District, as well as studies that were submitted to the Township Manager only, which studied the feasibility of different alternatives for sewer facilities at the Seylar School. That report did not recommend public sewer; it recommended a package treatment plant. Mr. Wynn spoke with the School District's engineer and architect today, who indicated they would like to meet next week concerning different engineering issues. The applicant hopes to have revised plans submitted for the next meeting. Discussion took place.

7. Supervisor Bennington understands that the Heritage Building Group, who originally proposed the development of a farmer's market at the former C.D. Moyer property, has now submitted another plan for 66 garden apartments for that property. Supervisor Bennington was very upset that a representative from Heritage Building Group lied to him at a previous public meeting when she said there was no intention to change the plan for that property.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mr. Jack Fox of Hilltown Pike, a member of the Hilltown Planning Commission, questioned the issue of vacation of public roads at the WaWa/Pileggi property, which was discussed earlier. Mr. Fox noted the roads in question are two State highways – Rt. 113 and Rt. 313, and wondered why and how the Township could vacate a State highway. Solicitor Grabowski explained it is not the roadway itself that will be vacated, it is the strip of frontage given to the Township as the ultimate right-of-way. Solicitor Grabowski noted that WaWa's title company determined that anything accepted by the Township becomes part of the road system. The Township's response to that determination was that it is not part of the roadway

2. Mrs. Jean Bolger of Rt. 152 congratulated newly appointed Supervisor Bender, and expressed her good wishes to him.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bender has noted there has been some concern expressed about him holding two positions in the Township – as a Supervisor, and as a member of the Water and Sewer Authority Board. Since there is nothing legally prohibiting Supervisor Bender from holding these two offices, he decided that he would give it his best effort. Supervisor Bender commented that if his fellow Supervisors believe there is a conflict, he would be willing to step down as a member of the Hilltown Township Water and Sewer Authority since the Authority members exist at the discretion of the Board of Supervisors. Supervisor Bender wishes to eliminate the appearance of any conflict of any issues that come before the Township that may directly impact the Authority.

With that in mind, in February of 1999, Supervisor Bender submitted a position paper to the Township and the Planning Commission, advising of the unanimous opinion of the Authority with regard to package treatment plants versus public sewer in the Rural Residential Zoning District. Supervisor Bender explained that there was a reference to a concept in that letter which had been proposed by the Elliott Group for work on Telegraph Road. Because of that letter and what he previously said about not wanting the

appearance of conflict, Supervisor Bender intends to abstain from any vote concerning the issue of sewer for that proposal.

Supervisor Bennington understands Supervisor Bender's concern, however he asked what would happen if the vote is 1 to 1. Solicitor Grabowski commented that if there is a deadlock vote with regard to approval of a final plan for the Elliott Building Group, the law provides that a plan becomes approved due to lack of action by the municipality. Discussion took place.

2. Since his appointment to the Board, Supervisor Bender commented that Township employees have been extremely helpful. As a member of the original Open Space Committee several years ago, Supervisor Bender is curious about the status of the Township's open space effort. He is aware that the funds are available from Bucks County and is concerned because each day land is becoming more and more expensive. Supervisor Bender complimented the outstanding effort made by the Open Space Committee and encouraged the Board to act immediately on purchasing open space with the funds provided by the County. Mr. Horrocks believes that prior to the next meeting, the Board will meet in executive session to have the opportunity of negotiating with an actual landowner for purchase of open space. A lengthy discussion took place. Supervisor Bender offered to meet with the Open Space Committee to move the process forward. Mr. Horrocks commented the Open Space Committee met with the Board of Supervisors a number of months ago to establish a priority listing of possible properties in the Township.

3. Supervisor Bender questioned the procedure used on the agenda for public comment. Chairman Bennett explained that up until approximately one year ago, there was only one public comment period on the agenda at the end of the meeting. However, the Sunshine Law was then amended in December of 1998, and the agenda was revised to reflect those new requirements. Further, Mr. Horrocks noted that the meeting procedures adopted by the Board of Supervisors, are listed on the reverse side of the agenda, which clearly specify that the chairperson of the Board, at their discretion, shall preside over the public comment section of the agenda. The Board will give careful consideration to possibly amending agenda procedures.

4. Motion was made by Supervisor Bender, and seconded by Supervisor Bennington to join the Bucks County Coalition as soon as possible.

At a previous meeting, Chairman Bennett had expressed concern about who would attend the Coalition meetings, and suggested the motion be amended to reflect that a committee would be appointed to attend meetings and be active in the process. Another reservation of Chairman Bennett's is that many of the municipalities who have joined the Coalition seem to experience different problems than Hilltown Township, such as the filing of

many, many curative amendments and various different zoning issues, as well. Chairman Bennett had no objection to Hilltown Township joining the Coalition.

Supervisor Bender's motion was carried unanimously, and passed. There was no public comment.

5. Supervisor Bender has reviewed the proposed revised Cluster Ordinance and asked for clarification on a specific issue. With regard to Article II, Section 304.2.1 - Rural Residential, which states "The Rural Residential areas are based primarily upon the analysis and availability of a safe and adequate groundwater supply. Within these areas, the recommended residential density is one dwelling unit for every three acres of land area. If public water is provided by a Municipal Authority within these areas, then development on 50,000 square feet lots may be accommodated. If Municipal Authority public water and open space are provided in accordance with requirements of this Ordinance, a cluster option within 30,000 square feet lots is permitted." The way this paragraph reads, it appears to Supervisor Bender that the Township is recommending that public water be extended into all Rural Residential areas.

In the RR District, Mr. Wynn explained Cluster is allowed only in the case where public water is provided by a Municipal Authority, and he does not know that there is any objection to a public water extension in the RR, unlike public sewer extension into the RR District, which is not permitted.

6. In the past when new Supervisors have been elected, Supervisor Bennington noted this Board has allowed them to participate to a certain extent in discussions so that they can become indoctrinated into the Township affairs. This year, Supervisor Bennington feels that it is particularly important due to the budget for the year 2000 and police contract negotiations. Therefore, Supervisor Bennington recommended that the Board of Supervisors bring Ms. Diane Parks on board as quickly as possible to attend future meetings, discussions, and negotiations. Supervisor Bennington asked Solicitor Grabowski for his legal opinion on this suggestion. Solicitor Grabowski advised the Supervisors may invite anyone they choose to attend their executive sessions. The Supervisors unanimously agreed to invite Ms. Parks to attend and participate in future executive sessions, as noted above.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the rescheduled meeting of Wednesday, May 19, 1999 was adjourned at 9:00PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).