

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, December 28, 1998
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Charles D. Grasse, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
George C. Egly, Jr., Chief of Police
C. Robert Wynn, Township Engineer
Lynda Seimes, Township Secretary

Chairman Bennett wished everyone a prosperous New Year, and reminded those in attendance that the annual Reorganization Meeting will be held on Monday, January 4, 1999 at 7:30PM.

- A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
- B. ACTION ON THE MINUTES OF THE DECEMBER 14, 1998 WORKSESSION MEETING: Supervisor Bennington noted the following correction to page 6, at the end of the second paragraph, which should read:

"A lengthy discussion took place. The Supervisors will review the information presented by Ms. Blaxall and will give careful consideration to the proposal. **Supervisor Bennington will contact Ms. Helsel to discuss and review the coalition, and will report to the remaining two Supervisors with her responses.**"

Supervisor Grasse noted the following correction to page 1, Item B, with regard to the minutes of the November 23, 1998 meeting, which should read

"1. Mr. Kerry Kramer – Environmental Concerns – Mr. Kramer of Callowhill Road was in attendance to discuss local environmental issues, such as the Clean Water Act, and how it affects Hilltown Township. Mr. Kramer noted the impact on the environment due to the building boom that is taking place. **Supervisor Grasse commented on the regional area's concerns regarding water conservation and replacement.** Mr. Kramer urged the Board to consider the environmental impact when new subdivisions come before the Township. Discussion took place."

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 14, 1998 Supervisor's Worksession meeting, as corrected.

C. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated December 29, 1998, with General Fund payments in the amount of \$79,706.51, Fire Fund payments in the amount of \$56,222.00, State Highway Aid payments in the amount of \$1,568.85, and Escrow Fund payments in the amount of \$5,539.28; for a grand total of all payments in the amount of \$143,036.64.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated December 29, 1998, as written.

D. CONFIRMED APPOINTMENTS: None.

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

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

| | | |
|--------------------------|-------------|-------------|
| Hilltown Crossings | Voucher #3B | \$ 308.47 |
| Hilltown Crossings | Voucher #4B | \$ 4,455.20 |
| Orchard Glen Subdivision | Voucher #43 | \$ 7,064.00 |

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

2. Mr. Horrocks presented the 1999 Budget for adoption, with General Fund in the amount of \$2,827,419.00, State Highway Aid in the amount of \$276,396.00, Debt Service in the amount of \$393,087.00, and Fire Fund in the amount of \$121,310.00. The proposed 1999 Budget was advertised and has been made available for public review, as required by the Second Class Township Code. Mr. Horrocks noted there would be no tax increase required in 1999 to balance the budget.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to adopt the 1999 Budgets as noted above. There was no public comment.

3. Mr. Horrocks presented Resolution #98-42 regarding participation in and support for the East Branch of the Perkiomen Creek Watershed Stormwater Management Act , for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously **to adopt Resolution #98-42 for participation and support for the Stormwater Management of the East Branch of the Perkiomen Creek Watershed.** There was no public comment.

4. Mr. Horrocks requested that the Board appoint the Township Engineer, Mr. C. Robert Wynn, as the Hilltown representative for the meetings to be held in relation to the East Branch of the Perkiomen Creek Watershed.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to appoint Mr. C. Robert Wynn to represent Hilltown Township for the meetings to be held in relation to the East Branch of the Perkiomen Creek Watershed. There was no public comment.

5. The Legislature passed Act 50, "The Taxpayer's Bill of Rights," this year. One of the requirements is for the Township to appoint a Tax Hearing Officer. Berkheimer Associates is offering, at no addition charge, to be appointed to that position.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to appoint Berkheimer Associates as the Tax Hearing Officer for Hilltown Township, with further review at a later date. There was no public comment.

6. A request has been received from the Living Hope Community Church to waive the rental fees for the Scout Cabin for their annual picnic to be held on Sunday, July 18, 1999. The \$100.00 security deposit will be provided.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to waive the Scout Cabin rental fees for the Living Hope Community church, with a \$100.00 security deposit in place. There was no public comment.

F. CORRESPONDENCE: None.

G. SOLICITOR'S REPORT – Mr. Francis X. Grabowski – Solicitor Grabowski had nothing to report at this time.

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

1. Musselman Tract – The site is located on Mill Road, across the street from the Hawk Ridge Subdivision. This plan was initially submitted as a sketch plan on December 30, 1992. The preliminary plan submitted on December 23, 1994 was conditionally approved by the Supervisors at their meeting held on January 23, 1995. The five lot subdivision included a conceptual plan of future subdivision which proposed

a future re-subdivision to a maximum of 13 lots which would occur in the event controlled fill sites placed on the property resulted in acceptable on-site sewage disposal systems. In accordance with the Bucks County Health Department regulations, controlled fill sites installed in the fall of 1994 can not be re-tested for a minimum of 4 years. The preliminary plan received conditional approval by the Supervisors at their meeting held on January 23, 1995. Final plan approval was granted by the Supervisors at their meeting held on February 26, 1996.

The revised final plan proposes 13 single family dwelling lots to be served by on-site sanitary sewer disposal facilities, and public water supplied by the North Penn Water Authority. Lot configuration is identical to the conceptual plan submitted with the initial preliminary plan for this site. Mill Road is proposed to be resurfaced from Keystone Drive to Rosie Lane. Access to all lots will be via a new internal street system. The proposed roadway conforms to current Subdivision Ordinance standards and is proposed with a 26-ft. wide cartway and grass shoulder. This construction is the same as the roadways within the nearby Hawk Ridge Subdivision.

The Planning Commission unanimously recommended conditional approval of the revised final plan, subject to a number of conditions, some of which are identical from the original plan approval. Those conditions include dedication of the internal streets and Mill Road rights-of-way, street lights at the intersection of proposed Pasquale Way and Jessica Lane, verification of approval from North Penn Water Authority indicating their ability to service the lots, the outboundary property pins and monuments flagged, staked and verified, escrow agreements for public improvements, and construction escrow estimate updated to current costs. Since the plan was originally approved, the Bucks County Recorder of Deeds has changed their requirements for plan recordation size. Therefore, the plan must be reduced in size to be recorded. One of the conditions is that a reduction of the plan be submitted to the Township to verify that all the line type is the correct size to be read with the reduced scale. Street names were previously approved by the Township, however a re-verification from the Postmaster of Hatfield is required. The Bucks County Conservation District approval was granted in October of 1995, but because three years have passed since that approval, a new approval must be received from the County for erosion control. Further, the Planning Modules for only five lots were approved by PADEP on August 31, 1995, however new Planning Module approval must be obtained for the additional eight lots.

At the Planning Commission meeting, Mr. Wynn explained there was a concern expressed by a neighboring resident, Mr. Smith, concerning sight distance. The neighbor had planted a row of forsythia, shrubs and evergreens all along his property on Mill Road just inside the right-of-way line as a screen. A typical clear sight triangle is shown on the plan which was a requirement of the prior Subdivision Ordinance under which this plan was approved. Also required under the prior Ordinance was a determination of sight

distance required by Chapter 441 of PennDot, which had been adopted by the Township. Mr. Wynn noted that sight distance is shown on the plan but is not measured from the same point. The entire line of sight is within the 16 ½ ft. wide legal right-of-way across the Smith property. Therefore, any interference by Mr. Smith's shrubs would be within the legal right-of-way.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan re-approval to the Musselman Tract Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's review dated December 3, 1998. There was no public comment.

2. Callowhill Road Subdivision – This preliminary plan for seven proposed residential lots located on Callowhill Road was unanimously recommended for denial for non-compliance with Zoning Ordinance and Subdivision regulation requirements as contained within the Bucks County Planning Commission and engineering reviews unless an extension is received by the applicant prior to January 17, 1999. The applicant provided a 90 day extension and asked to be placed on the agenda for the January, 1999 Planning Commission meeting.

3. Rosenberger Subdivision – The preliminary plan for three lots located on Seven Corner Road was tabled at the Board's last meeting of November 23, 1998. At that time, the applicant requested to revise the plan to a two-lot subdivision and it was unclear as to whether the application could continue or a new application would be required. Solicitor Wuerstle advised Mr. Wynn that a revision from a major subdivision to a minor subdivision would require a new application submission. Action on the three-lot subdivision is required as the latest extension expires on January 7, 1999. At their meeting of November 16, 1998, the Planning Commission unanimously recommended denial of the Rosenberger preliminary subdivision plan for non-compliance with Zoning and Subdivision Ordinance requirements as contained within the latest engineering review.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to deny the preliminary Rosenberger 3-lot subdivision based on non-compliance with Zoning and Subdivision Ordinance requirements as contained within Mr. Wynn's latest engineering review dated April 13, 1998. There was no public comment.

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

1. Country Roads, Phases I, II, and III – Mr. Wynn advised the developer requested Board acceptance of completion of the maintenance period for Phase I and

dedication of Phases II, III, and IV. An inspection made on December 22, 1998 by Mr. Wynn's office indicates that there remains a number of outstanding issues.

Mr. Steve McKenna of Mignatti Ventures was in attendance to present the plan. Mr. McKenna referred to Mr. Wynn's review of Phase I dated December 22, 1998. Items #1, #2, and #3 are anticipated to be completed by the developer this week. Those items include the mulching of open space plantings, maintenance of grass within the stormwater management basin and seeding of the basin to establish lawn areas that had not properly germinated, as well as clearing clogged stormsewer piping of leaves and debris. Supervisor Bennington wondered why the developer waited to complete Phase I punchlist items that should have been done in June. Mr. McKenna noted he has been endeavoring to complete the landscape items for some time. Mr. Wynn commented one of the issues with Phase I is the fact that the detention hasin is part of Phase I, which also serves as a sedimentation basin for all of the phases. Therefore, until Phases III and IV were completely stabilized, the developer could not finish the basin in Phase I.

Mr. McKenna referred to Mr. Wynn's review of Phase II dated December 22, 1998. Items #2, #6, #10, #11, and #15 are complete. For Phases II and III, Mr. McKenna explained most outstanding items deal with landscaping, signage or monumentation. All of the roadways, curbs, and sidewalks have been deemed to be in satisfactory condition. While the number of items on this review appear numerous, Mr. McKenna advised they are all minor in nature. The other items that will be completed for Phase II should be executed within the next two weeks, including Items #1, #3, #7, #8, #12, and #13. With regard to Item #14 concerning as-built plans, it is Mr. McKenna's understanding that they are in, however the engineer from Metz Engineering is on vacation this week. This would also be true for Item #16.

Mr. McKenna made reference to Item #4 regarding Phase II, which states "Open Space A must be aerated, fertilized, seeded, and mulched to provide a stable recreational area." Mr. McKenna explained that Fieldstream Drive runs parallel to South Perkasie Road. Everything between South Perkasie Road and Fieldstream Drive is classified as Open Space A. As you travel down Telegraph Road to where Fieldstream Drive intersects, the open space along that side of the road is classified as Open Space B. A note on the approved plan states "Proposed open space use is to be intended as a natural area. Agricultural used land in areas to be dedicated as open space shall be restored to a lawn condition. Meadows shall be maintained as such and not left to become weed infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants, such as honeysuckle and poison ivy." Therefore, Mr. McKenna believes the intention was for the open space areas to be passive. The developer had offered the open space for dedication to the Township as park land, but the Township refused it. Mr. McKenna commented the open space area is now owned by the Homeowner's Association. Mr. McKenna asked the Board for the definition of "lawn

condition." It is his opinion that the developer has gone beyond what was intended on the approved plan since the area is completely stabilized. Mr. McKenna actually walked the area with Mr. Doyle from Mr. Wynn's office, and was asked to remove rocks so as to not interfere with mowing. It is Mr. McKenna's contention that he is in compliance with how the plan was originally approved. Mr. McKenna advised the Homeowner's Association does not intend to mow that open space area on a regular basis. At present, a farmer hays the meadow area several times during the summer months. Mr. Wynn explained the original approved plan showed Open Space Areas A and B as natural meadow areas, however during the course of development the developer requested and received approval to fill significant areas of both Open Space Areas A and B. The one premise for filling Open Space Area A was to create a flat, level area for recreational use. That area is the one that is not in the best condition as lawn at present. On Open Space Area B, there is a meadow area that was filled with excess fill material and then graded and topsoiled. This is the area Mr. Wynn referred to in his December 22nd review letter. It was to the developer's benefit to place both these open space areas in fill, and at that time, it was the understanding that those areas would be restored to lawn. If the applicant wishes to go back to the original plan approval requirements, Mr. Wynn reminded Mr. McKenna that all the fill dirt would have to be removed.

Supervisor Bennington was very upset that Mr. McKenna would ask for acceptance of dedication of this development with the large number of outstanding items still remaining to be completed. Mr. McKenna commented the Homeowner's Association owns the open space areas. Supervisor Bennington vehemently disagreed, stating that the Homeowner's Association does not own the open space until the Township accepts dedication of the site. Discussion took place.

Item #5 states "All street trees with missing center leaders must be replaced." Mr. McKenna advised the street trees were pruned and continue to flourish; and he does not understand why they would have to be replaced. Mr. Wynn advised this requirement is in the current Ordinance and if a center leader is dead, the tree should be replaced. Item #9 states "Buffer yard trees must be installed on Lots 50 through 55." Mr. McKenna explained those buffer trees were installed at the time of home construction, and the homeowner's themselves either moved or removed the trees. Mr. Wynn asked if there was verification from the homeowners that they did indeed remove the trees. Mr. Wynn suggested that the homeowners might have removed those trees because they were dead and asked Mr. McKenna to obtain verification from the homeowners.

With regard to Mr. Wynn's engineering review letter dated December 22, 1998 concerning Phases III and IV, Item #5 states "Street tree along the frontage of Lot #93 has been topped and must be replaced." Mr. McKenna advised that tree was topped by the homeowner which can be verified and which was witnessed by subcontractors. Mr.

Wynn noted that tree is located between the curb and sidewalk in the right-of-way, which therefore makes it a Township tree.

Also, Mr. McKenna has asked repeatedly to have the improvement escrow reduced on Phases II and III. The Township has held 15% of the total improvement amount until dedication. It is Mr. McKenna's understanding from the Municipalities Planning Code that the Township can only hold 10% of the amount at any point in time. Mr. McKenna feels that the outstanding items are not substantial, yet the Township is holding \$152,000.00 in escrow. Mr. McKenna is asking the Board to reduce the amount of escrow being held to 10%, which would be approximately \$52,000.00 in accordance with the Municipalities Planning Code. Mr. Wynn did not agree with those numbers. His records indicate that the balance being held at Core States Bank for Phase II is \$61,609.01. Of that amount, 10% of the total cost of the project has to be retained until there is a maintenance bond provided by the developer, and that amount is \$46,389.84. Therefore, Mr. Wynn explained the amount of funds available for incomplete items only totals \$15,000.00. In Phases III and IV, the balance is \$69,326.18, of which 10% retainage required for the maintenance period is \$55,084.32. The amount of money remaining in that account to complete the remaining items in Phases III and IV is approximately \$14,000.00. Therefore, Mr. Wynn noted there is not a great deal of money in the escrow beyond what is required to be retained for the maintenance period.

Mr. McKenna is seeking conditional acceptance of dedication on satisfying the remaining outstanding items. Solicitor Grabowski commented there is no such thing as conditional approval of dedication, and recommended that the Board not agree to this request.

Chairman Bennett suggested Mr. McKenna clarify any questions he has regarding the outstanding requirements with Mr. Wynn and when those requirements have been satisfied, the Board will accept the dedication as requested. Supervisors Bennington and Grasse agreed.

Chief Egly advised the Police Department received several complaints on Christmas Eve concerning icy roads in the Country Roads development. The complainants told the police that Mignatti Ventures has a policy that they will not salt or plow unless there is 3 inches of snow on the road. Mr. McKenna stated the roads were salted by mid-day on Christmas Eve. Chief Egly commented the icy road conditions were dangerous in the morning hours and the roads should have been salted much earlier than mid-day.

2. On a different matter within the Country Roads Subdivision, Mr. Wynn advised the developer and the Hilltown Authority have jointly requested that the Board of Supervisors approve a revision to the plan which would eliminate the requirement for the developer to install a fence around the site of the future possible public well. It is Mr. Wynn's understanding that the Authority and the developer have come to an

understanding concerning that future fence, if it is ever deemed necessary. There is no well located in that location at present, and the Authority has no plans for that well at this time. Mr. Wynn recommended the Board approve this request.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to waive the requirement for the developer of Country Roads Subdivision to install a fence around the site of the future possible public well, in lieu of financial considerations. There was no public comment.

3. County Line Plaza Shopping Center – At the Board's October 26, 1998 meeting, the Supervisor's expressed concern relative to the potential traffic conflict immediately behind the Starwash facility between vehicles entering the car wash and those using the new travel lane. It was suggested that one consideration might be installation of flexible plastic traffic bollards immediately behind the entrance to the car wash to prevent vehicles from forming a line to the car wash facility across the travel lane into the parking area of the shopping center. The applicant has since submitted a plan showing those revisions, which includes the double access lanes at the rear of the Starwash, and the curbed island.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the revisions to the County Line Plaza plan to encompass the installation of flexible plastic traffic bollards immediately behind the entrance to the car wash facility to prevent vehicles form forming a line to the car wash across the travel lane into the parking arca of the shopping center, with continued monitoring on an interim basis to determine if this solution is acceptable. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT: None.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington stated that Mr. Rick Heilman, the Building Inspector, had presented a list of three options concerning the BOCA Building Code update from the 1990 edition to the 1996 edition. Mr. Heilman was asked to provide documentation showing the major revisions between both Codes. That has been completed, and it is Mr. Heilman's recommendation to delay adoption of the 1996 Codes until March or April of 1999 when the latest BOCA Building Codes are available. The Supervisors unanimously agreed with that recommendation.

2. At the last meeting, Ms. Valerie Blaxall presented information concerning a coalition of upper and mid-Bucks County municipalities who are joining together to go

to Harrisburg in support of providing input concerning curative amendments, impact fees, and other important issues. Supervisor Bennington contacted Mrs. Betsy Helsel, who is the coordinator for the coalition, as well as the chairman of the Board of Supervisors of Plumstead Township, to discuss this issue. Supervisor Bennington still has major reservations regarding regional planning and zoning, which he does not agree with, as well as the suggestion to reopen the MPC, because in his opinion, there could be a great deal of problems with lobbyists who will force the issue to include more than curative amendments. However, Supervisor Bennington is willing to support the coalition at this point in time, while still reserving the right to pull out at a later time if in fact it was doing things he did not agree with. Supervisor Grasse also has reservations about joining a coalition of that sort strictly for political reasons. He believes the Township should stand strong on our Ordinances, which have upheld the area to 70% of open space since 1795. Supervisor Grasse feels we have good Ordinances and we should tread carefully with such a coalition. Chairman Bennett has reservations about the coalition as well, and would defer any strong endorsement of the program at this time. Supervisor Bennington asked if the Board would be willing to hear a presentation by Mrs. Helsel concerning the coalition. The Board was agreeable. Supervisor Bennington will contact Mrs. Helsel to attempt to schedule her appearance at the January 28, 1999 meeting.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the December 28, 1998 Board of Supervisors Meeting was adjourned at 8:32PM.

Respectfully submitted,



Lynda Seimes
Township Secretary