

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, July 27, 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 7:45PM 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
C. Robert Wynn, Township Engineer
George C. Egly, Jr., Chief of Police
Lynda S. Seimes, Township Secretary

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

A. APPROVAL OF MINUTES: Action on the minutes of the June 22, 1998 Supervisor's Meeting - Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 22, 1998 Supervisor's meeting, as written.

Action on the minutes of the July 13, 1998 Supervisor's Worksession Meeting - Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 13, 1998 Supervisor's Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated July 27, 1998, with General Fund payments in the amount of \$40,601.64 and Escrow Fund payments in the amount of \$9,636.34; for a grand total of all payments in the amount of \$50,237.98.

Motion was made by Supervisor Grasse, seconded by Chairman Bennett to approve the Bills List dated July 27, 1998. For the record, Supervisor Bennington commented that he is not willing to pay the bill from Castle Valley Consultants, Inc. in the amount of \$552.50 regarding the Nicholas property.

C. CONFIRMED APPOINTMENTS:

1. Mr. David Pone - Subdivision Plan Requirement Waiver Request - Mr. and Mrs. David Pone of 101 Clarion Drive were in attendance seeking an occupancy permit for their property on Clarion Drive. Mrs. Pone explained a restriction had been

placed on their lot in the TelVil Subdivision, which they were not made aware of prior to purchase. The restriction imposed that all down spouts should be routed to the sump pump to flow into the storm sewer pipe. Further, their lot has not been graded properly to accomplish this requirement. The Pones did receive a temporary Occupancy Permit and have attempted to comply to the best of their ability. Mr. and Mrs. Pone feel this matter should have been brought to their attention when they purchased the lot. Discussion took place.

Mr. Wynn explained this property is known as Lot #8 of the TelVil Subdivision and agreed there was a requirement on this lot for the roof drains and sump pump to connect to a stormsewer system and discharge to a detention basin to reduce the amount of flow that would eventually run onto Lots #9 and #10. Mr. Wynn is aware that the house was not constructed that way and knows that the two southernmost roof drains and the sump pump have been directed into the stormsewer. The northern roof drain flows onto the lawn. However, the grading of the lot is not quite per the subdivision plan either. Mr. Wynn noted the property owner graded their property so that much of the runoff drains along the rear of Lot #10, to what was and still is a drainage ditch on Lot #11. Lot #11 is owned and occupied by one of the original developers. Mr. Wynn believes there is even less water draining onto Lot #10, and maybe even Lot #9, than the original subdivision plan proposed due to the grading change. Mr. Wynn believes there will not be any impact whether or not those two roof drains are tied in.

Supervisor Bennington is concerned that the developer did not make the potential homeowner aware of this requirement prior to purchasing the lot. Mr. Wynn noted this issue was a requirement of the subdivision plan and was shown very clearly on that plan. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to waive the full drainage requirements for the Pone property located in the former TelVil Subdivision.

2. Mrs. Beth Lewis - Country Roads Sidewalk Repair - Mrs. Lewis, representing the Country Roads Homeowner's Association, presented a petition of their concerns regarding the deteriorating curbs along Misty Meadow, which is the section of Country Roads that has not yet been dedicated to the Township. The residents are very concerned about the deteriorating curbs along Misty Meadow. The developer has not yet moved forward with the final paving, however the residents suspect that once that is complete, the developer will begin repair work on the curbs, thereby ripping up the newly placed paving. Mrs. Lewis explained the curbs, which are brand new, have been damaged by the developer's heavy equipment and have already been patched. Within two days of the patching process, the damage was again evident. Chairman Bennett inquired as to whether the residents have contacted the developer. Mrs. Lewis, along

with several other neighbors, has added this request to their one-year punch list for the developer's review. Mignatti Ventures informed the residents that the curbs would be patched according to Township specifications; however those patches blew out within a matter of days.

Upon receipt of the signed petition, the Supervisors directed Mr. Wynn to visit the site. Mr. Wynn noted no repairs had been made to the curbs at the direction of his office at this time and explained that curb repair is typically done after the final paving since they would be damaged even more during the paving process. Mr. Wynn observed that the developer did some repairs, which in many cases made the appearance even worse than it was before the repairs. Mr. Wynn commented there are a great deal of curbs to be repaired and there are other reasons the developer has not paved, such as sanitary sewer repairs. Mr. Wynn would be happy to meet with the residents of Country Roads to discuss their specific concerns.

Another concern of the Country Roads residents is the possibility that they may be required, in the future, to replace these poorly constructed curbs at their own expense. Mr. Horrocks had advised Mrs. Lewis that the Township has no such Ordinance in place at present. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to direct the Township Engineer to meet with Mrs. Lewis, as a spokesperson for Misty Meadow residents, and Mr. Steve McKenna of Mignatti Ventures, to discuss the concerns presented this evening.

D. MANAGER'S REPORT – Mr. Bruce G. Horrocks –

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

Bricks Villa Phase I	Voucher #39	\$ 327.72
Bricks Villa Phase II	Voucher #26	\$ 492.44
Country Roads Phases III & IV	Voucher #44	\$ 571.26
Gray Subdivision	Voucher #04	\$ 5,143.50
Gray Subdivision	Voucher #05	\$ 228.73
Hilltown Hunt Subdivision	Voucher #39	\$ 119.48
Keystone Estates	Voucher #12	\$ 152.75
Longleaf Estates Phase I	Voucher #12	\$86,713.65
Longleaf Estates Phase I	Voucher #13	\$ 8,671.37
Myers Subdivision	Voucher #02	\$ 93.91
Myers Subdivision	Voucher #03	\$ 2,322.29
Orchard Glen Subdivision	Voucher #36	\$ 564.69
313 Self Storage, Inc. (Silverman)	Voucher #02	\$66,810.60

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the release of the thirteen escrows as noted above.

2. At the July Worksession meeting, the Supervisors approved the attendance of Sgt. Mahaffey at a two-day Forensic Science Seminar in November of 1998. Chief Egly has since requested the attendance of a second officer, Lt. Kerry Trauger, at that same seminar.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to allow Lt. Kerry Trauger to attend the two-day Forensic Science Seminary in November, 1998.

3. A request for waiver of Scout Cabin fees has been received from the Living Hope Community Church to utilize the cabin on Sunday, August 16, 1998. The security deposit will be provided.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to waive the Scout Cabin rental fees for the Living Hope Community Church, with a security deposit required.

4. A petition has been received from Mr. Roscoe Dunlap concerning noxious weeds on a neighboring property in the Bethlehem Pike/Central Avenue area of the Township.

Mr. Dunlap has contacted the Township on several occasions concerning high weeds on a neighboring property. He is aware that the Zoning Officer phoned and sent correspondence to the owner of that property, however the weeds still have not been mowed as requested. When the wind blows, Mr. Dunlap advised it appears as though it is snowing in his yard because of the amount of thistles blowing around.

Chief Egly, who was previously the elected Constable for the area, stated the Noxious Weed Law is a Pennsylvania State Law pertaining to Canadian thistle and other noxious weeds. Jurisdiction for enforcement lies with the Constable. If the Constable is unable to make contact with a land owner concerning this issue, he has the right to have the property mowed and to charge the land owner for that service. Further, Chief Egly noted Canadian thistle is to be mowed prior to going to seed. Discussion took place.

Motion was made by Supervisor Bemington, seconded by Supervisor Grasse, and carried unanimously to direct the Township to contact the Constable to insure that the Noxious Weed Law is adhered to on Mr. Dunlap's neighboring property, as noted above.

E. CORRESPONDENCE:

1. Correspondence was received from Jane C. Orie, the State Representative for the 28th District and Chairman of the House Judiciary Committee Task Force, acknowledging receipt of Hilltown Township's letter concerning the increase of D.U.I. incidents in the area.

F. SOLICITOR'S REPORT – Mr. Francis X. Grabowski –

1. Solicitor Grabowski presented executed Subdivision Agreements for the Hipple Subdivision to provide for the guarantee that improvements would be accomplished.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the Subdivision Agreement of Cynthia J. Hipple.

2. In conjunction with the Hipple Subdivision, Solicitor Grabowski presented an offer of easement of road frontage.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-33, to accept the Declaration of Easement for the Hipple Subdivision.**

3. Solicitor Grabowski suggested the Board of Supervisors consider an Ordinance requiring developers of residential properties to display the subdivision plans to prospective purchasers; and to secure a written statement from them acknowledging that the purchasers have reviewed the final approved subdivision plan and all the various restrictions that might apply. Buckingham Township enacted a similar Ordinance several years ago. A lawsuit was brought against the municipality by a Bucks County and Montgomery County Homeowner's Association, which made its way to the Commonwealth Court, who just recently approved the validity of the Ordinance. Solicitor Grabowski presented a copy of the draft Ordinance for the Board's review. In essence, the Ordinance states that prior to a sales agreement being signed for any new subdivided residential property or lot, the buyers shall sign a disclosure statement verifying that the seller or builder was provided, shown, or explained all the information required under this particular Ordinance. In Buckingham Township, those items for disclosure include a description and narrative of common areas, open space areas, park lands, streets, and lot lines; what uses are permitted in that particular area; a copy of the Homeowner's Association documentation; all dimensional requirements for permitted uses upon the property; location of all easements, including uses, underground piping for water, sewer, gas or electric, etc.. The proposed Ordinance then provides for an actual written document, called a "Residential Disclosure Statement" which contains a checklist

process. Solicitor Grabowski is sure this type of requirement will be an inconvenience for developers, however he believes situations such as that described by Mr. and Mrs. Pone earlier in the meeting will be rectified. Discussion took place.

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

1. Wagner/Walker Tract – The Planning Commission unanimously recommended final plan approval of this minor subdivision located on Blooming Glen Road, conditional upon the following being accomplished:

- PADEP Sewage Facilities Act “Form B” – Request for Non-Building Waiver must receive approval from the Bucks County Department of Health.
- Property monumentation as shown on the plan must be installed prior to plan recordation and be certified in writing by the responsible surveyor.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Wagner/Walker Subdivision, pending completion of all outstanding items as noted above.

2. Calvary Church Land Development – The final plan for the Calvary Church Land Development was unanimously recommended for approval subject to the following:

- Verification of approval must be received in writing from PennDot via a highway occupancy permit.
- Financial security/development agreements must be executed between Calvary Church of Souderton and the Township to guarantee installation of required improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Calvary Church Land Development, pending completion of the two outstanding issues as noted above.

3. Schafstallar Subdivision – The Schafstallar Minor Subdivision received final approval from the Supervisors on July 28, 1997. The site was subsequently tested and qualifies for installation of a sand mound. Final plans have been revised to eliminate the proposed small flow treatment facility as a method of sanitary sewage disposal for the proposed building lot. The Planning Commission unanimously recommended approval of the revised final plan subject to completion of the outstanding conditions of the original July 28, 1997 approval, Planning Module approval for the proposed sand mound,

and reimbursement for all legal, engineering, and administrative costs incurred by the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant revised final plan approval to the Schafstallar Subdivision, subject to completion of the outstanding conditions of the original July 28, 1997 approval; Planning Module approval for the proposed sand mound; and reimbursement of all legal, engineering, and administrative costs incurred by the Township.

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

1. Country Roads – This matter was previously discussed.

2. Longleaf Estates – Mr. Wynn reported on the status of the Longleaf Estates Subdivision. Curbing has been installed, roadway paving has taken place to the first intersection of the development in an attempt to keep the construction equipment off Orchard Road; and part of the internal roadways have been stoned. The Township is still waiting for a revised as-built plan for the detention basins, which were constructed a bit smaller than required. The revised as-built plan must be submitted prior to paving. Further, Mr. Wynn explained the contractor moved forward with 3,700 ft. of curb without inspection by the Township Engineer's office which is unacceptable. Testing will be required to verify the strength of the concrete curbing.

3. Orchard Road – Mr. Wynn advised widening of Orchard Road will begin from the Orchard Glen Subdivision up to Pleasant Springs Lane later this week. Widening, curb, and overlay will also be accomplished on Orchard Road. All residents, except for one property owner, along this portion of Orchard Road have granted an easement to complete the work.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Chief George Egly requested the continued attendance by Officer Kerry Karte at the Pennsylvania Juvenile Officer Association Conference to be held on September 20th through 25th in Grantville, Pennsylvania.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to authorize the attendance of Officer Karte at the Pennsylvania Juvenile Officer Association Conference on September 20-25, 1998.

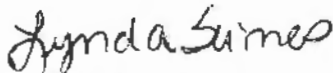
2. Chief Egly advised the Sacred Heart Fun Run was held this past Saturday, July 25, 1998. Chief Egly and Mr. John Snyder are basically the only two individuals who volunteer for traffic control during these types of events, even though other fire departments are asked to supply volunteers. Chief Egly is most concerned about the safety of the traveling public and the safety of the runners as well. Mr. Snyder suggested that for future events, an individual should direct traffic where runners will cross Hilltown Pike to the park. Therefore, the Fun Run could still begin at the carnival, cross private property with the owner's permission, and then flow into the Hilltown Civic Park to use the track, then back to the carnival grounds for completion of the race. Chief Egly and Mr. Snyder presented this idea to Mr. Baker, the Fun Run coordinator, who was agreeable to this suggestion.

K. SUPERVISOR'S COMMENTS: None.

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

M. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the July 27, 1998 Board of Supervisors meeting was adjourned at 8:40PM.

Respectfully submitted,



Lynda Seimes
Township Secretary