

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, April 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 7:42PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Charles D. Grasse, Supervisor  
Gregory J. Lippincott, Asst. Twp. Manager/Zoning Officer  
George C. Egly, Jr., Chief of Police  
C. Robert Wynn, Township Engineer  
~~Francis X. Grabowski, Township Solicitor~~  
Lorraine Leslie, Bookkeeper

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Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to discuss legal matters. The Board of Supervisors also met in Executive Session on Friday, April 24, 1998 from 8:00AM to 10:00AM to discuss legal matters.

A. APPROVAL OF MINUTES: Action on the minutes of the March 23, 1998 Supervisor's Meeting - Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 23, 1998 Supervisor's Meeting, as written.

Action on the minutes of the April 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 April 13, 1998 Supervisor's Worksession Meeting, as written.

B. CONFIRMED APPOINTMENTS:

1. Hilltown Township Planning Commission - Open Space Plan - Mr. Dan Paci, chairman of the Hilltown Township Planning Commission, advised a majority of the members of the Planning Commission were in attendance this evening to express their unanimous support of the adoption of the Hilltown Township Open Space Plan. Mr. Paci commended the Open Space Committee for the tremendous amount of effort they made to execute this plan.

2. Ms. Maureen Purcell - Open Space Plan - Ms. Purcell, chairperson of the Open Space Committee, presented the final draft of the Hilltown Township Open Space Plan. The Open Space Committee consists of Ms. Purcell, Supervisor Charles Grasse, Mr. Henry Rosenberger, Mr. Nick Lupinacci, Mr. Tim Browning, Ms. Denise Hermany,

Mr. Charles Moyer, and Mr. Ken Beer. With an approved Open Space Plan, Hilltown Township will be eligible to receive approximately \$400,000.00 from the Bucks County Open Space Referendum Bond funds, and an additional \$100,000.00 as a 25% matching requirement from Hilltown Township. Ms. Purcell advised the proposed plan has received a unanimous recommendation for approval from the Hilltown Township Park and Recreation Board and the Hilltown Township Planning Commission.

Ms. Purcell summarized the contents of the Open Space Plan. The first step was to determine objectives for Hilltown Township, including the creation of linkages or greenways by developing an off-road trail network. This was accomplished from a survey conducted by the Park and Recreation Board where a majority of Township residents responded to the need for parks. The next objective was to provide opportunities for both active and passive recreation. It was also important to the Open Space Committee to compliment the existing farmland preservation linking open areas. Other objectives included the protection and preservation of scenic vistas or other unique areas; the maximization of buffer areas along stream tributaries, corridors, and wetlands; the protection and preservation of remaining woodlands and steep slopes; and growth management through selective acquisition of land.

After settling upon the main objectives, Ms. Purcell explained the committee then attempted to determine regional open space goals and implementation strategies. Further, to compliment the plan narrative, the committee developed three separate maps, including the protective lands map, the vulnerable resources map, and the potential open space linkages map, which are required by the Bucks County Planning Commission for submission to the Open Space Program.

Since Hilltown Township is a rather large municipality, the Open Space Committee divided the Township into four separate regions. The regions are as follows - the Bethlehem Pike Region situated in the northwest, the Minsi Trail Region situated in the northeast, the Mill Road Region situated in the southwest, and the Pearl Buck Region in the southeast. Each committee member then focused on the region in which they live to determine their needs to analyze and establish goals. These goals were then prioritized into a priority area. One priority goal is to create a link or trail connecting Silverdale Borough with Perkasio Borough. Another goal is to locate and acquire a sizable property and/or utilize the existing open space in the Bethlehem Pike Region to provide for both an active and passive recreation area. There is also a goal to create a nature area and trail system along the east branch of the Perkiomen Creek located along South Perkasio Road. The final top priority goal is to create a link or trail between the Deep Run Valley Sports Association and the Hilltown Civic Park. There is also a listing of Priority Area II and Priority Area III, which includes approximately eight other goals.

Finally, the implementation strategies were developed and described. Ms. Purcell noted these strategies are critical for achieving the regional open space goals. The Open Space Committee highly recommends that these strategies are carried through by the Township. Ms. Purcell believes the potential open space links map, which graphically shows most regional goals, is the most important map of all. This map also shows proposed links were are graphically represented by priority group. The map presents a comprehensive open space plan for Hilltown Township.

The Open Space Committee believes this plan provides Hilltown Township with a valid and usable open space master plan to benefit all residents for years to come, and requests that the Board of Supervisors approve it's adoption. Approval of the plan is only the first step. Ms. Purcell advised progressive implementation is critical to quickly achieve the open space goals and provide benefits to residents in the near future.

Mr. Henry Rosenberger, member of the Open Space Committee, has lived in Hilltown Township for approximately six years and enjoys the beauty and open space that still exists in this community. Mr. Rosenberger believes a major issue when reviewing the trails and linkages is to provide alternative walking trails other than the roadways.

Mr. Nick Lupinacci, member of the Open Space Committee, thanked the Supervisors for the opportunity to serve on this committee. Even though the Open Space Committee's initial goal was to utilize the County funding available, Mr. Lupinacci advised the committee felt it was important to also include long term planning in the Open Space Plan. It was Mr. Lupinacci's pleasure to serve on this committee and he felt Ms. Purcell did an exceptional job as chairperson.

Supervisor Bennington thanked Ms. Purcell and the Open Space Committee for the fantastic job they did in preparing this plan. Supervisor Bennington only wishes that this document had been in place prior to placing the Open Space referendum question being placed on the ballot. Supervisor Bennington totally supports the Open Space Preservation Plan as proposed this evening.

Supervisor Grasse is proud to have served on the Open Space Committee and noted that each member's enthusiasm was very impressive. Further, Supervisor Grasse stated the tremendous excitement generated by this program is felt throughout the municipality and believes that the job of the Open Space Committee is far from over. Supervisor Grasse commented the concept must continue to be promoted to the residents of the Township.

Chairman Bennett concurred with the statements made by his fellow Supervisors, stating that the Open Space Plan is outstanding and he is very pleased with it's outcome.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-25 adopting the Hilltown Township Open Space Preservation Plan.**

Mr. Lippincott read the following statement written by Mr. Horrocks, who was not able to be present this evening: "I'm sorry that I was unable to attend this evening to witness the adoption of the Hilltown Township Open Space Preservation Plan. It has been my pleasure to work with the Open Space Committee, these eight people have put in much time and effort to reach this point. Their enthusiasm has been highly energized since their first meeting together. The leadership abilities of Maureen Purcell have been evident since their first meeting, and through the process to arrive at this point, have increased and improved. I look forward to continuing our relationship with this Committee into the next difficult stage of their work. Thank you to each member of the Committee."

3. Mr. Jim Groff - Hilltown Township Water and Sewer Authority - Mr. Groff, Manager of the Hilltown Authority, was in attendance to discuss the most recent proposed settlement agreement for the P.W.T.A. lawsuit. Unfortunately, the Hilltown Authority received the proposed agreement after their April meeting was held. The Hilltown Township Water and Sewer Authority members will discuss the proposed settlement agreement at their May meeting, at which time a written recommendation will be provided to the Board of Supervisors. Mr. Groff advised there are a great deal of issues concerning the settlement agreement, with two major economic issues which have been consistent with all the previous proposed settlement agreements over the last six months. These two issues, which include capacity and operating costs, have been disputed by the Hilltown Authority all along. Under the terms of the 1975 Treatment Agreement, Mr. Groff explained that each municipality was to be billed based on meter readings. Under the terms of the new proposed agreement, that will no longer be the case since meters will be eliminated. A new percentage will be generated for each municipality based upon 350 gallons per connection. That percentage will then be translated and used as the Township's percentage of the total operating costs to be billed by P.W.T.A.. The economic impacts are obviously the biggest concerns to Hilltown Township.

Supervisor Bennington noted that the new percentage will be based upon 350 gallons per connection, however it is his impression that during the dry season in Hilltown Township, approximately 175 gallons per connection might be used. Therefore, it appears that P.W.T.A. will be over-billing Hilltown residents for non-usage during the dry season. It does not seem to Supervisor Bennington that the Hilltown residents will be fairly represented by this proposal. Mr. Groff agreed, advising that this is a major concern which will be addressed by the Hilltown Authority.

Upon review of the proposed settlement agreement, Supervisor Bennington noted Hilltown Township will be forced to pay additional funds if in fact the expansion of the Pennridge Wastewater Treatment facility proceeds in the future. Mr. John Bender, treasurer of the Hilltown Authority, agreed with Supervisor Bennington that the dry weather flows would be much closer to 175 gallons per connection. In fact, Mr. Bender believes the average flows would be closer to 200 gallons per EDU. When these figures are put into the equation at the capacity of P.W.T.A., Mr. Bender noted it appears that Hilltown residents at 350 gallons per connection is over capacity to what they originally should have had. By agreeing to this current agreement proposal, the Authority would be acknowledging that Hilltown Township is 499 EDU's over what should have been used. The implications of this action would definitely be an increased operating cost for Hilltown which would be paid for by the sewer rate payers in Hilltown Township. Mr. Bender does not feel the rate payers of Hilltown would want to foot the bill of approximately \$300,000.00 to \$1 million dollars. From an economic standpoint, Mr. Bender commented this is unacceptable. This would certainly place a burden of increased operating costs on the Township and would also commit the Township to a large capital outlay should they go to P.W.T.A. for the plant expansion and to make good on the alleged 499 EDU overage. Discussion took place.

4. Mr. Dan Shannon - Longacre Tract - Mr. Shannon of Trefoil Properties was in attendance to once again present a sketch plan for subdivision of a 50 acre property located on Rt. 113, across the street from Calvary Church. Previously, Mr. Shannon had discussed the sewer situation with the Supervisors and the Planning Commission. The plan proposes the development of 31 lots. Del Val Soils dug test pits on the site to determine the feasibility of obtaining permits for on-lot septic systems or to utilize spray irrigation systems. Following the 57 test pits, indications are that it would not be feasible to use on-lot systems on the site. Mr. Shannon is before the Board this evening to request permission to extend public sewer to the Longacre Tract. There is existing public sewer located within the Calvary Church property. Mr. Shannon understands that it is not the policy of Hilltown Township to allow public sewer extension into the Rural Residential Zoning District. Mr. Shannon noted the majority of the Longacre Tract is zoned RR, however a portion of the tract is zoned CR-2, where public sewer extension is permitted. Mr. Shannon asked if the Supervisors would consider re-zoning the entire tract to CR-2 which would permit public sewer and would not change the Township's overall policy to allow public sewer in the RR district. Since a portion of the Longacre property is currently zoned CR-2, Mr. Shannon advised the second suggestion would be to allow the extension to service the entire property with public sewer.

In addition to the zoning issues, Chairman Bennett stated there is also the problem of no EDU's being available at this time. Mr. Shannon understands that and is prepared to deal

with that issue, as well as obtaining an easement from the church, approval from Telford Borough Authority, and approval from PADEP.

Supervisor Bennington commented the next step in the process is to determine whether or not a package plant can be constructed on the property. Mr. Shannon strongly believes that PADEP would not look favorably upon a package plant to service this property when there is existing public sewer directly across the street. Supervisor Bennington advised that Hilltown Township will not circumvent the process. Mr. Wynn stated this would be an amendment or revision to the Act 537 Plan. There is information contained in the current Act 537 which includes planning requirements that must be submitted. The first step in the Rural Residential Zoning District is to investigate for individual on-lot sewage disposal systems, though some, if not all of those requirements have been accomplished. Following that, Mr. Wynn stated any other type of system would require an Act 537 Revision. The policy of the Act 537 Plan is that the next type of system to be investigated is a community sewage disposal system, which could include a community sand mound, a community spray irrigation system, or a small flow treatment plant. This information should be submitted to the Township and reviewed by the Bucks County Planning Commission and the Hilltown Planning Commission, as well as the Bucks County Health Department. From past discussions with the Supervisors and the Planning Commission, Mr. Shannon recalls that the Township did not look favorably upon package treatment plants for each residential development. It is Mr. Shannon's personal opinion that a package treatment plant would not be economically feasible for this site. Mr. Wynn commented the economic feasibility of a package treatment plant is not a criteria for approval. Mr. Shannon also feels certain that PADEP would deny approval of a package treatment plant to service this property.

Supervisor Grasse totally agreed with Supervisor Bennington that procedure must be followed.

C. MANAGER'S REPORT - Mr. Gregory J. Lippincott, Assistant Manager -

1. With regard to the Tenant Identification Ordinance, Mr. Lippincott is seeking Board authorization to pursue compliance by the owners of 20 suspected rental properties who have not responded to repeated inquiries. Discussion took place.

The Supervisors unanimously agreed to authorize the Zoning Officer to contact the 15 local rental property owners concerning Tenant Identification reporting, and to authorize the Township Solicitor to contact the remaining 5 rental property owners who do not live in the immediate area.

2. Mr. Lippincott presented five escrow releases for the Board's consideration:

Bricks Villa Phase I	Voucher #36	\$ 260.91
Bricks Villa Phase II	Voucher #24	\$ 257.11
Estates at Tall Oaks	Voucher #06	\$15,430.50
Estates at Tall Oaks	Voucher #07	\$10,000.00
Orchard Glen Subdivision	Voucher #32	\$ 374.92

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

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D. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented a Declaration of Easement for the Valdez Subdivision located on Broad Street.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-26, accepting the Declaration of Easement for the Valdez Subdivision.**

2. Solicitor Grabowski presented a Declaration of Easement from Mr. Riebman for the Valdez Subdivision located on Broad Street.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to **adopt Resolution #98-27, accepting the Declaration of Easement from Mr. Riebman for the Valdez Subdivision.**

3. Solicitor Grabowski explained the Township has been working on a revision of the Hilltown Township Zoning Ordinance for the past several months. It was determined that certain sections of the present Zoning Ordinance are too restrictive and other were too lenient. So that an outside interested party does not have the ability to take advantage of the Township during this re-write process, and to insure an orderly transition from one Ordinance to another, Solicitor Grabowski suggested the Supervisors declare a moratorium of the Zoning Ordinance for a period of 180 days, pursuant to Section 609.2 of the Municipalities Planning Code. This process would require setting forth by Resolution, any deficiencies that might be found; to provide for specific allowed uses which may not be currently permitted or are permitted in insufficient quantity by the current Zoning Ordinance; and to correct, if necessary,

language in the Ordinance by revision, by the addition of new language, or by reaffirming the current language. Solicitor Grabowski has drafted the required Resolution to be considered by the Supervisors within the next 30 days to set forth findings on any perceived deficiency or invalidity within the current Ordinance, and whether any specific, legitimate uses are wrongly not permitted. The effect of approving such a motion this evening and the effect of enacting a Resolution within the next 30 days will give the Township the right to turn away any developer's curative amendment during the prescribed 180 days from tonight's decision.

Supervisor Bennington explained this action would not effectively "shut down" the Township with regard to zoning. Individual homes can be built and permits can be obtained during the 180 day time period. Supervisor Bennington noted the Township is simply attempting to forestall large scale development for the next six months during the Ordinance review process.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to declare the present Hilltown Township Zoning Ordinance substantially invalid under Section 609.2 of the Municipalities Planning Code, and further moved to authorize the Township Solicitor to prepare a proposed Resolution for consideration by the Board of Supervisors within the next thirty days which, with the assistance of the Township Manager, Township Zoning Officer, Township Engineer's office, and others, to set forth any deficiencies that may exist in our current Ordinance; to provide for any specific allowed uses which may not be currently permitted under our Ordinance; to provide for specific allowed uses in sufficient quantity; and to set forth either corrected language, new language or to reaffirm existing language of the Hilltown Township Zoning Ordinance.

F. PLANNING - Mr. C. Robert Wynn, Township Engineer -

1. County Line Shopping Center (Prel./Final) - This plan for construction of a proposed Rite Aid Drug Store and landscaping improvements to the shopping center parking lot was unanimously recommended for preliminary and final plan approval by the Planning Commission, subject to the following conditions:

- Eight parking spaces including two handicapped parking spaces are located within the 20 ft. required setback from an outside wall of a non-residential building. A waiver has been requested from Section 523.7.D. of the Land Development Ordinance regarding the setback. The waiver request is acceptable to the Planning Commission providing the Township receives a positive review of the site for fire fighting facilities from the fire marshal and servicing fire company.



- Verification of availability of capacity and approval of proposed connection of the Rite Aid Drug Store to public water facilities provided by the North Penn Water Authority must be received in writing. Additionally, proposed trash enclosure will be constructed within a North Penn Water Authority easement. Approval for same must also be received from North Penn Water Authority.
  - Verification of capacity and approval of proposed sanitary sewer connection must be received from the Borough of Souderton. Design engineer must submit sewage flow information and provide written determination whether or not planning modules are required for the proposed drug store.
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- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of required improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant preliminary/final plan approval to the County Line Shopping Center, pending completion of all outstanding items as noted above.

2. Martin Subdivision - Final - This minor subdivision located with access to both Rt. 113 and Cherry Road was unanimously recommended for final plan approval by the Planning Commission, subject to the following conditions:

- Planning Module approval for proposed on-lot sewage disposal systems must be received from PADEP, or a waiver must be received from the Bucks County Department of Health.
- Concrete monuments shown "to be set" on the plan must be installed and certified in writing by the responsible surveyor prior to plan recordation.

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

3. James Mini Act 537 - Small Flow Treatment Facility - This proposed small flow treatment facility to serve an existing single family dwelling on Hilltown Pike was unanimously recommended for approval by the Planning Commission at their meeting held on January 19, 1998. At the Supervisor's meeting of March 23, 1998, the

sewage treatment and maintenance agreement was presented by the Township Solicitor. This item is on the agenda this evening for adoption of the approval Resolution such that the package may be forwarded to PADEP.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to **adopt Resolution #98-28 for plan revision for the James Mini Single Family Residence Small Flow Treatment Facility, located on Hilltown Pike.**

G. ENGINEERING - Mr. C. Robert Wynn, Township Engineer -

1. Hilltown Hunt (Fox View Hunt) Subdivision - This subdivision located across W. Creamery Road from the municipal building has a number of punchlist items which remain incomplete. The current letter of credit and time frame for completion of punchlist items or a request to extend the time frame for completion and letter of credit for the project must be submitted. If the developer does not response to Mr. Wynn's correspondence by the Supervisor's worksession meeting in May, Mr. Wynn recommended the developer be declared in default.

2. Orchard Glen - This subdivision is located on Orchard Road and is in the process of constructing dwellings on the site. The letter of credit for this development is automatically extended year to year, unless there is prior notification to the Township. Mr. Wynn is not aware that any notification has been given to the Township that the bank will not renew the Letter of Credit. Mr. Wynn did receive a faxed letter of credit extension, however when he investigated the number of the letter of credit, it was for the Hilltown Authority, not for the Township. If the correct letter of credit is not received by May 6, 1998, Mr. Wynn recommended that the Board authorize the Township Solicitor to begin default proceedings.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the Township Solicitor to begin default proceedings against Orchard Glen unless the letter of credit is received by May 6, 1998.

H. LINENS FOR SIGNATURE: None.

I. PUBLIC COMMENT:

1. Chief Egly advised Police Memorial Week is May 10 through may 16, 1998. Bucks County will be celebrating this occasion on May 14, 1998 beginning in Bristol Township at the Sgt. Stuckey Memorial at 9:00AM to Bensalem at the Armstrong Memorial, then on to Our Lady of Mount Carmel Church for services at

11:00AM, and finally to the Bucks County Courthouse for the courtyard ceremony at 12:00Noon. Lunch will follow at the V.F.O.P. Home.

2. Chief Egly asked what can be done to expedite the installation of the traffic signal proposed for the intersection of Callowhill Road and Hilltown Pike. This afternoon, there was a fatal accident at this intersection, with one 7 ½ month pregnant woman being airlifted to the Lehigh Valley Hospital Center. Discussion took place.

Supervisor Bennington suggested Mr. Lippincott contact PennDot first thing in the morning to check the status of the proposed traffic signal, and the remaining Supervisors agreed.

2. Mr. John Gillespie, chief of the Silverdale Fire Company, will be receiving information and an enacted Ordinance from a municipality in Michigan concerning house numbering identification for public safety.

J. SUPERVISOR'S COMMENTS: None.

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

L. ADJOURNMENT: Upon motion by Supervisor Bemington, seconded by Supervisor Grasse, and carried unanimously, the April 27, 1998 Board of Supervisors meeting was adjourned at 9:05PM.

Respectfully submitted,

  
Lynda Seimes

Township Secretary

(\*These minutes were transcribed from notes and tape recordings taken by Mrs. Lorraine Leslie, Bookkeeper).