

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, January 26, 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 7:36PM 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, 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 matters, and they will meet in Executive Session following this meeting in order to discuss personnel matters.

A. SERGEANT PROMOTION PRESENTATIONS: Chief Egly presented the following officers for promotion - Christopher Engelhart, David Mahaffey, and Matthew Dreyer. By promotion of these three officers, Chief Egly advised it will allow for the four platoon system to have a commander in charge of each shift. Supervisor Bennington felt that these three officers are well deserving of their promotions, and Supervisor Grasse wholeheartedly agreed. Mr. Horrocks noted there is over 42 years of service with Hilltown Township among all three officers.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to promote Officer Christopher Engelhart, Officer David Mahaffey, and Officer Matthew Dreyer to the rank of Sergeant, effective immediately with a one year probation.

Chairman Bennett called for a five minute recess at 7:40PM to allow members of the press to photograph the new Sergeants. The meeting was again called to order at 7:45PM.

B. APPROVAL OF MINUTES - Action on the Minutes of the December 22, 1997 Supervisor's Meeting - Motion was made by Supervisor Bennington, and seconded by Chairman Bennett, to approve the minutes of the December 22, 1997 Board of Supervisor's meeting, as written. Supervisor Grasse abstained from the vote.

Action on the minutes of the January 5, 1998 Supervisor's Reorganization Meeting - Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the minutes of the January 5, 1998 Supervisor's Reorganization meeting, as written.

C. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated January 27, 1998, with General Fund payments in the amount of \$93,512.52, Fire Fund payments in the amount of \$4.00, Debt Service payments in the amount of \$8.00, State Highway Aid payments in the amount of \$6,961.10, and Escrow Fund payments in the amount of \$6,000.00; for a grand total of all funds in the amount of \$106,485.62.

Mr. Horrocks withdrew two items from the Bill's List from Laerdal Medical Corporation in the amount of \$495.00 and \$584.00, respectively.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the Bill's List dated January 27, 1998, deleting the hills from Laerdal Medical Corporation totaling \$1,079.00, subject to audit.

D. TREASURER'S REPORT - Mr. Horrocks presented the Treasurer's Report with the following balances as of December 31, 1997:

General Fund Checking	\$ 142,867.09
Payroll Checking	\$ 99.86
General Reserve Fund	\$ 150,000.00
Fire Fund Checking	\$ 297.76
Debt Service Checking	\$ 110,758.07
State Highway Aid Checking	\$ 17,817.74
Escrow Fund Checking	\$ 249,513.38
Capital Projects-Series 1989	\$ 24,978.42
Capital Projects-Series 1994	\$ 95,521.12

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the Treasurer's Report, subject to audit.

E. CONFIRMED APPOINTMENTS:

1. Ms. Leticia Ryan - Perkiomen Valley Watershed Association - Ms. Ryan advised the Perkiomen Valley Watershed Association is a non-profit organization founded in 1964 to protect and conserve the natural resources of the Perkiomen Creek and its tributaries. Mr. Pete Retslaff of the Perkiomen Creek Watershed Improvement

Corporation was also in attendance requesting that the Board adopt a non-binding Resolution stating that the natural resources located in the east branch of the Perkiomen Creek Watershed are important to Hilltown Township. The Perkiomen Creek Watershed actually flows through fifty-seven municipalities and four counties. Hilltown Township is located in what is considered the panhandle of the map in Bucks County. Ms. Ryan stated that what happens in this area affects all of the municipalities downstream from Hilltown Township. Ms. Ryan explained that Hilltown's participation by adopting a non-binding Resolution is publicly proclaiming that this is important to the health and welfare of it's residents. Further, Hilltown Township would also be joining with other municipalities stating that what is done in this township does affect them, and that Hilltown Township is willing to protect these important resources. By joining with neighboring municipalities, Ms. Ryan commented Hilltown Township is assisted when applying for State funding for such things as a stream bank restoration or the repair of a corridor planting. The adoption of this Resolution will also aid the Watershed Association in the same way. Ms. Ryan noted there are twenty-three municipalities at present throughout the entire Watershed who have joined and supported the Watershed Association.

Chairman Bennett questioned the need for the two organizations - the Perkiomen Valley Watershed Association and the Perkiomen Creek Watershed Improvement Corporation. Mr. Retslaff, who is a trustee of the Perkiomen Creek Watershed Improvement Corporation, which is also a non-profit agency, explained that it's mission is to restore and enhance the watershed throughout the Perkiomen Watershed area. It's secondary mission is to identify sources of pollution, stop and arrest those, and then enhance or restore the Watershed. The Perkiomen Valley Watershed Association sponsors many types of educational programs working with children, etc., and the Perkiomen Creek Watershed Improvement Corporation funds many of those projects.

Supervisor Bennington wondered why a non-binding Resolution would be requested, and asked what that will do for the Township or for the organization. Mr. Retslaff explained the adoption of a non-binding Resolution does not commit the Township to any financial resources, it simply states that Hilltown Township agrees with other municipalities located within the Watershed area that the waters of the Perkiomen are vital, natural resources, not only to the Supervisors but to the citizens of Hilltown Township. As these two organizations develop that type of awareness and that type of public support, it makes it a great deal easier for them, as non-profit agencies, when soliciting the Federal or State government for grants to do work in the Watershed area.

Solicitor Grabowski noted there is a Water Quality Board in Harrisburg, which essentially provides for stream classification for all streams and tributaries in Pennsylvania. Solicitor Grabowski asked if it is their intent to petition for a re-

classification of the east branch of the Perkiomen. If their organizations can enhance the quality of the waters in the Perkiomen Watershed area by virtue of the projects they do, so be it, however Mr. Retslaff does not believe they could be successful in the attempt for a higher quality designation. The Perkiomen Watershed is a warm water fishery at present and in Mr. Retslaff's opinion, it always will be.

Supervisor Bennington asked if the passage of this non-binding resolution would have any impact on the Township's future plans for a sewage treatment plant. Mr. Retslaff reminded the Board that this proposal is a non-binding Resolution. Further, as long as the Township is in compliance with their permit, there should be no difficulties with the construction of a sewage plant. Supervisor Bennington wondered if the permitting process for the sewage plant would become more extensive due to the adoption of a non-binding Resolution. Mr. Retslaff noted the process could become more strict if suddenly the east branch of the Perkiomen received a higher classification, however that is not the case.

Supervisor Grasse asked how the Delaware Water Estuary has affected the east branch of the Perkiomen, if it has changed the water temperature, and if it is monitored for purity. Ms. Ryan advised many studies were conducted and PECO conducts studies every year. With regard to life in the stream, Ms. Ryan explained it has introduced new macro invertebrates and insects which live on the stream bed. There are also many sediment islands which have formed at the confluence of the east branch of the Perkiomen which could be an effect of the Delaware Water Estuary.

Mr. Retslaff explained his organization is attempting to stop the current degradation of the Watershed. Mr. Retslaff had lived on the Swamp Creek branch of the Perkiomen for 26 years. The stream bank is now approximately 10 feet wider than it was when he moved there. At one time, the stream was deep enough for swimming, however now it is not even deep enough to wade in. Mr. Retslaff explained that once watersheds begin to break down with heavy rains and snow melts, a flushing action takes place if the stream banks are not properly preserved. There is not much natural watershed left to hold the water back and slowly release it into the streams and the rivers. With wider stream banks, the water runs slower and more shallow, and the temperature of the water is a great deal warmer than it normally would be.

Supervisor Bennington was very concerned about the possible ramifications for Hilltown Township if the adoption of this non-binding Resolution were to take place. Chairman Bennett and Supervisor Grasse agreed. The issue was tabled for further consideration.

F. 8:00PM - PUBLIC HEARINGS - Three Public Hearings were held to consider the adoption of the following proposed Ordinances:

- An Ordinance reducing the speed on Nobel, Sterling, and Gentry Drives for their entire lengths through Hilltown Township to 25 m.p.h..

There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Ordinance #98-1, reducing the speed limit to 25 m.p.h. on Nobel, Sterling, and Gentry Drives for their entire lengths through Hilltown Township.**

- An Ordinance establishing a stop sign, except right turn, eastbound on Reliance Road at Township Line Road.

There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Ordinance #98-2, establishing a stop sign, except for right turn, eastbound on Reliance Road at Township Line Road.**

- An Ordinance requiring the owners of rental properties to report the tenants of rental properties to the Township.

Public Comment: Mr. John Snyder asked if reporting of tenants will be required on a yearly basis. Mr. Horrocks replied annual reports must be submitted by January 31st of each calendar year, or sixty days after change of tenants.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Ordinance #98-3, requiring the owners of rental properties to report the tenants of rental properties to the Township, and prescribing penalties thereof.**

*The Public Hearing was adjourned and the regularly scheduled meeting of the Hilltown Township Board of Supervisors was called back to order by Chairman Bennett at 8:15PM.

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

1. Mr. Horrocks presented nine escrow releases, five of which are cash held by the Township, for the Board's consideration:

Bricks Villa Phase I	Voucher #34	\$ 418.27
Country Roads Phase I	Voucher #2B	\$ 725.52
Country Roads Phases III & IV	Voucher #37	\$ 662.21
Myers Subdivision	Voucher #01	\$ 23.80
Off-the-Wall	Voucher #2B	\$ 81.23
Orchard Glen Subdivision	Voucher #28	\$ 531.39
Quiet Acres	Voucher #11B	\$ 61.91
Schade Tract	Voucher #14A	\$ 39.10
Waste Management of Indian Valley	Voucher #15	\$ 221.18

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the escrow releases as noted above.

2. Mr. Horrocks presented a proposed Resolution establishing fees for land development waiver requests.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-10, establishing fees for land development waiver requests.**

3. Mr. Horrocks advised interviews were held to fill the one year vacancy on the Zoning Hearing Board. All three candidates were excellent prospects.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to appoint Mr. Richard J. Manfredi to the one year vacancy on the Zoning Hearing Board, to complete the remaining term of Mr. Charles Grasse.

4. Following this meeting, Mr. Horrocks will require Board signatures on the annual State Highway Aid Fund Report.

5. It has come to our attention that one of the elected Auditors, Mrs. Patricia Garland, failed to register and run for her elected office in 1997. Mrs. Garland was contacted and has requested that she be appointed to that vacancy. Discussion took place. The Supervisors directed Mr. Horrocks to research the issue further before reappointing Mrs. Garland to that position.

6. Mr. Horrocks presented a Resolution for PennDot to conduct a warranted traffic study for consideration of a traffic signal at the intersection of Callowhill Road and Hilltown Pike.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-11 for PennDot to determine whether a traffic signal is warranted for the intersection of Callowhill Road and Hilltown Pike.**

7. At their worksession meeting, the Planning Commission made a recommendation to the Board of Supervisors to waive land development submission for the Hilltown Township Water and Sewer Authority for the small addition located at well #5. Further, the Authority is seeking a waiver of building permit fees for construction of the water tank.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried ~~unanimously to waive land development submission for the construction of a small addition at well #5 and to waive building permit fees for the Hilltown Township Water and Sewer Authority for the construction of the water tank.~~

8. The Township has been awarded \$93,800.00 in the Community Development Block Grant for street re-paving in 1998. Mr. Horrocks will have documents available for signature following this meeting.

H. CORRESPONDENCE:

1. Correspondence was received from Bunny's Animal Shelter advising there are 120 dogs remaining as of December 31, 1997.

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

1. Solicitor Grabowski advised Exxon Corporation has filed an appeal to the Zoning Hearing Board decision for multiple variance requests concerning the property located at Rt. 113 and Bethlehem Pike, the former Sernoff Seafood building. Solicitor Grabowski is seeking Board authorization for the Township Solicitor to defend the decision of the Zoning Hearing Board.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett, to authorize the Township Solicitor to defend the decision of the Zoning Hearing Board regarding Exxon Corporation's multiple variance requests. Supervisor Grasse abstained.

2. Solicitor Grabowski explained a portion of the subdivision agreements for the Longleaf Estates Phase I Subdivision have been executed, however insurance certificates and letters of credit have not yet been received. This matter should be tabled until the remaining documents are received.

3. The Township is now at the point of accepting public dedication of the internal roads for Phase I only of the Country Roads Subdivision. Solicitor Grabowski presented Resolution #98-12 to declare public purpose and Resolution #98-13 to accept the internal roads for Phase I of the Country Roads Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-12 to declare public purpose for internal roads for Phase I of the Country Roads Subdivision, and to adopt Resolution #98-13 to accept the dedication of the internal roads for Phase I of the Country Roads Subdivision.**

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

1. Mini Act 537 Revision - The Planning Commission unanimously recommended approval of the Act 537 Revision to permit installation of a small flow treatment facility to replace a failed septic system for a single family home located on Hilltown Pike. Mr. Wynn is seeking authorization for the Township Solicitor to prepare the required operation and maintenance agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the Township Solicitor to prepare the required operation and maintenance agreement for the Mini Act 537 Revision, as noted above.

2. Rosenberger Act 537 Revision - The Planning Commission unanimously recommended approval of the Act 537 Revision to permit installation of a small flow treatment facility to replace a failed septic system for a single family home located on Rosenberger Drive at the intersection of Rosenberger Drive and Callowhill Road. Mr. Wynn is seeking authorization for the Township Solicitor to prepare the required operation and maintenance agreement.

Correspondence was also received from the applicant, Mr. Rosenberger, requesting a delay of posting financial security for this proposal. Supervisor Bennington explained that D.E.P. requires a financial guarantee in the form of an escrow before an Act 537 Revision permit can be issued. It is not a Hilltown Township regulation, it is a D.E.P. regulation and therefore, the Supervisors can not delay or waive that requirement in any way. Discussion took place.

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

1. Bearings and Drives Inc. - Required improvements at the Bearings and Drives, Inc. site located on Bethlehem Pike, were guaranteed via a cash deposit with the

Township. Storm drainage/basin improvements were completed in the summer of 1997. The only remaining item, replacement of a dead street tree, has been accomplished and the applicant is requesting return of their escrow.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to release the cash escrow for required improvements for the Bearings and Drives, Inc., less any outstanding costs due the Township.

2. Hilltown Crossings Outparcel - The 18 month maintenance period for improvements at the Hilltown Crossings Outparcel has been satisfactorily completed and Mr. Wynn recommends acceptance of the maintenance period. This agreement is for the outparcel only, which contains the McDonald's Restaurant and bank. The maintenance period for the shopping center site itself does not expire until April 1, 1998, and a punchlist of miscellaneous repair/corrections has been forwarded to the developer.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept completion of the 18 month maintenance period for the Hilltown Crossings Outparcel.

3. Tall Oaks Subdivision - Mr. Wynn is requesting approval to locate the proposed sidewalk three feet from the curb line instead of 6 feet, as shown on the plan. Placing the sidewalk three feet from the curb will reduce root damage to many large trees and be consistent with sidewalk location on Orchard Road at the Orchard Glen Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the request to locate the proposed sidewalk three feet from the curb line for the Tall Oaks Subdivision as noted by Mr. Wynn.

L. PUBLIC COMMENT:

1. Mr. John Gillespie read the Silverdale Fire Company Report for the month of December, 1997, a copy of which is on file at the Township office.

For emergency purposes, Mr. Gillespie appealed to the Board for assistance in requiring the posting of house numbers. Discussion took place.

Further, Mr. Gillespie would like to meet with the Township Engineer to discuss driveway widths for emergency vehicle access. Supervisor Bennington does not believe the Township could legally force a homeowner to upgrade and expand their existing

driveway widths and Solicitor Grabowski agreed. Discussion took place. Both of these issues will be discussed at the next Fire Prevention Bureau meeting.

2. Mr. Bill Godek asked the status of any request by H & K Quarry to change the zoning of the former Murphy property. Mr. Horrocks replied the Township has received no application for a proposal to change zoning.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington wished to clarify his previous statements to the representatives of the Perkiomen Watershed. It was not because he is not an environmentalist, and it was not because he does not believe in clean water, rather, Supervisor Bennington is very wary of groups wishing to have non-binding Resolutions adopted when they do not know or care how it may impact Hilltown Township. With the Township planning for the construction of a sewage plant within the next few years, Supervisor Bennington does not want to possibly raise the cost of this sewer plant without having all the facts.

2. Prior to Supervisor Fox's retirement, he attended the Pennridge Area Coordinating meetings. Supervisor Bennington asked if Supervisor Grasse could attend the January 29, 1998 meeting, since he would not be available. Supervisor Grasse agreed.

3. Supervisor Bennington attended the last Planning Commission meeting in order to hear discussion concerning the sketch plan for the Hilltown Plaza Shopping Center. The developer wishes to move quickly on this proposal to demolish the Jamesway store and construct a Giant Food Store in its place. Further, the Acme Supermarket will be leaving the shopping center at the end of January. Supervisor Bennington noted the developer has proposed restructuring the entranceway to the shopping center to bring it into alignment with the shopping center across the street and install a traffic signal at that intersection. Supervisor Bennington does not want the Board of Supervisors to be bogged down the way the Planning Commission did last week by requesting the installation of planting islands and trees within the parking area of the shopping center. To Mr. Fox's credit, he specified that the developer is constrained by the Zoning Ordinance, and he does not believe that they should be required to make any improvements other than what Jamesway would be required if they were to re-open. Supervisor Bennington agreed with Mr. Fox's sentiments and felt that it was important to be flexible with this proposal.

4. Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize C. Robert Wynn Associates to begin update of the Act 537 Plan, in conjunction with the Planning Commission, as soon as possible.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to adjourn the January 26, 1998 Supervisors meeting at 9:23PM.

Respectfully submitted,



Lynda Seimes
Township Secretary