

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, August 25, 1997  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:41PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Jack C. Fox, Supervisor  
Bruce G. Horrocks, Township Manager  
Jack Wuerstle, Township Solicitor's Office  
C. Robert Wynn, Township Engineer  
George C. Egly, Chief of Police  
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board met in Executive Session with the Township Solicitor, Township Engineer, and Township Zoning Officer prior to this meeting in order to discuss legal matters.

A. APPROVAL OF MINUTES: Action on the minutes of the July 28, 1997 Board of Supervisor's Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 28, 1997 Supervisor's Meeting, as written.

Action on the minutes of the August 11, 1997 Board of Supervisor's Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 11, 1997 Supervisor's Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated August 26, 1997, with General Fund payments in the amount of \$18,547.18, State Highway Aid payments in the amount of \$1,710.00, and Escrow Fund payments in the amount of \$434.52; for a grand total of all payments in the amount of \$19,691.70.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated August 26, 1997, subject to audit.

C. CONFIRMED APPOINTMENTS:

1. Mr. Steven Miller - Permit Request Prior to Special Exception: Mr. Steve Miller, representing Miller Tire and Auto, was in attendance to make a request of the Board of Supervisors. At the Planning Commission meeting of August 18, 1997, a

waiver of land development submission was recommended for approval for this site. The applicant is proposing an 18 ft. by 40 ft. addition. In the process, it was revealed that due to the Village Center zoning of the site, a variance for Special Exception would be required. Mr. Miller explained the purpose of the proposed addition is to provide a safe, and dedicated bay in which to perform auto emissions testing. Currently, the applicant tests emissions with a portable unit which can be moved from bay to bay. However, beginning October 1, 1997, the new enhanced emissions program will begin which will require a dynamometer. No other type of emission test will be accepted. If the applicant does not meet the October 1st deadline, they are required to apply as a new test facility, which would impose additional costs, delays, and lost revenues for Miller Tire and Auto, as well as being a great inconvenience for their customers.

The applicant has ordered the new Pennsylvania State approved test equipment, and has purchased the building which is slated to arrive the second week in September. After meeting with the Zoning Officer on October 20, 1997, Mr. Miller was assured that the scheduling of a Zoning Hearing and the time limit for approval would exceed the October 1st deadline. Mr. Lippincott also informed the applicant there could be severe consequences should Mr. Miller begin to build without the proper permits. Therefore, Mr. Miller presented the following proposal:

- Miller Tire and Auto agrees to seek a variance should it be necessary. It is Mr. Miller's understanding that several municipalities in Lower Bucks County have waived the necessity for Zoning Hearings and the fee, because of the positive environmental effects of this new emissions testing program.
- Considering that the size of the proposed addition is small, Mr. Miller suggested the Zoning Hearing fee be reduced to cover only the cost of the meetings, the mailings, and the presence of the Solicitor, instead of the \$1,500.00 fee which is assessed for larger commercial projects.
- Mr. Miller requests a temporary building permit to construct the 18 ft. by 40 ft. addition, as proposed.

Mr. Miller agrees that it is unfortunate that he was unable to begin this process earlier in the year, however it was not certain, until recently that this program would become effective October 1, 1997.

Supervisor Bennington asked when Mr. Miller was informed by the State that the new emissions testing program would become effective October 1, 1997. Mr. Miller presented correspondence dated August of 1997, which was the first official notification

from the State of Pennsylvania. There have been rumors of this effective date, however no concrete notification was given prior to this letter. Supervisor Bennington asked if the dynamometer for this new program is portable, and Mr. Miller replied that it is not. Supervisor Fox suggested the dynamometer be installed in one of the existing bays. Mr. Miller commented he does not have the space, and if he were to do that, it could possibly jeopardize an employee's job. Since the Planning Commission meeting, Supervisor Fox investigated what other inspection businesses are doing and what the State is requiring for this new emission testing. Most of the other businesses he questioned intend to install a ramp in a bay or will dig a pit (12" to 18" deep), which is the requirement. Supervisor Fox believes Mr. Miller should investigate one of these options. Mr. Miller explained the existing bays presently house equipment, and to make it as safe as possible, he believes a dedicated bay is appropriate. Supervisor Fox noted the Township can not issue a temporary building permit for a non-conforming use until it is approved, either by the Zoning Hearing Board or by the court.

Supervisor Bennington advised the Board of Supervisors can not waive a Zoning Hearing for a non-conformity. Supervisor Bennington asked which other Bucks County municipalities have waived zoning hearings. Mr. Miller stated these were rumors he heard through the Bucks County Inspection Association. Supervisor Bennington suggested the dynamometer be temporarily installed until the applicant can appear before the Zoning Hearing Board, at which time the equipment could be moved the new building once it has been approved. Mr. Miller felt that was an inconvenience and would cost a great deal of money.

Legally, Solicitor Wuerstle commented that the Board of Supervisors can not assist Mr. Miller, other than to offer suggestions. Solicitor Wuerstle understands the time constraints involved with appealing to the Zoning Hearing Board, and believes the best option for the business would be to explore some sort of temporary remedy until a Zoning Hearing decision can be granted. Further, Solicitor Wuerstle wondered about Mr. Miller's sources regarding the waiver of zoning hearings and zoning hearing fees, which he finds very difficult to do within the boundaries of the Municipalities Planning Code.

Mr. John Snyder, chairman of the Zoning Hearing Board, stated the only hearing on their agenda in the near future is scheduled for September 4, 1997. Requirements for advertising for a zoning hearing include two advertisements, not more than 30 days prior to, and not less than seven days prior to a hearing. Mr. Snyder suggested Mr. Miller submit an application immediately, and the Zoning Hearing Board could then meet the third week of September where a possible verbal decision could then be rendered. This may help the applicant to meet the October 1<sup>st</sup> deadline imposed by the State. Mr. Miller agreed with this suggestion and will submit his Zoning Hearing application tomorrow

morning. Mr. Horrocks suggested he also submit building and zoning permit applications at that time, so that an informal review could begin.

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

1. Mr. Horrocks presented three escrow releases, two of which are bank held letters of credit, for the Board's authorization:

Bricks Villa Phase II	Voucher #16	\$ 1,496.41
Hilltown Hunt Suhdivision	Voucher #29	\$ 945.14
Quiet Acres	Voucher #4B	\$ 4,509.00

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize release of the three escrows as noted above.

2. Mr. Horrocks is seeking Board authorization to advertise for the 1997/1998 sodium chloride bids.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement of the 1997/1998 Sodium Chloride bid.

3. Mr. Horrocks is seeking Board authorization to advertise for gas, diesel fuel and heating oil bids.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the advertisement of gas, diesel, and heating oil bids.

4. Mr. Horrocks advised lights have been installed on the Comcast tower located to the rear of the municipal building, which have been operational for approximately two weeks. There is also a battery back-up for the lights in the event of a power failure.

5. Mr. Horrocks suggested a letter of appreciation be forwarded to Menno Realty, the owner of the Souderton Shopping Center, to recognize the improvements they have made to their Rt. 113 entrance. There was no State or local requirement for them to update that entrance, however Mr. Horrocks is aware that they spent a considerable amount of funds to address these public safety issues.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize sending a letter of appreciation to Menno Realty, as specified above.

6. Mr. Horrocks advised the traffic signal and the controllers at the intersection of Callowhill Road and Rt. 113 have been installed. The one remaining issue is the installation of the electrical meter by PP&L. It is the Township's hope that the traffic signal will be operational prior to the first day of school.

Supervisor Bennington asked if it is possible to have a back-up power supply for traffic signals when there is a power outage. Mr. Horrocks replied that there are back-up power supplies available for traffic signals, however the cost may be prohibitive. Mr. Horrocks will research the cost for the Board's review. During the power outage last weekend, Hilltown Township installed temporary stop signs and Silverdale Borough manned their traffic signal.

7. Mr. Horrocks advised the door locks on the Administration side of the building only will be re-keyed in the near future. Funds are available in the budget.

E. CORRESPONDENCE: None.

\*Chairman Bennett adjourned the regular meeting of the Hilltown Township Supervisors and entered into the advertised Public Hearings.

F. **PUBLIC HEARINGS - 8:00pm. Two Public Hearings were held in order to consider the adoption of an Alcoholic Beverage Open Container Ordinance; and to consider applications for funding from the Community Development Block Grant Program:** Mr. Horrocks read the preamble of the proposed Ordinance, which follows "An Ordinance of the Township of Hilltown, defining and prohibiting the consumption and possession of alcoholic beverages upon the streets and public places within the Township of Hilltown, providing for exceptions and prescribing penalties for violation."

Solicitor Wuerstle advised this proposed Ordinance is basically directed at the consumption and possession of alcoholic beverages in public places, including any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Township of Hilltown. Nor shall any person consuming alcoholic beverages within five feet of any public way or thoroughfare, while on a private stairway, doorway, or other private property open to public view without the express permission of the owner, his agent or other party, in lawful possession thereof. The foregoing shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed or dispensed medication having alcohol content. The penalty for violators is upon conviction to be sentenced to pay a fine not more than \$600.00 and in default of payment, to be imprisoned for a period not in excess of 30 days. Solicitor Wuerstle commented this

proposed Ordinance is very similar in content to those adopted in neighboring communities.

Supervisor Bennington was concerned about the restrictions in the proposed Ordinance, stating that it appears to be legislating morality. Mr. Horrocks reminded the Board that each police officer will have discretion in their actions upon enforcing the Ordinance. In a broader sense, Solicitor Wuerstle commented that Ordinances such as this are part of a bigger trend toward social host liability and other issues involving safety and social drinking. Discussion took place. Supervisor Fox suggested the Ordinance be adopted on a six month trial basis, as was done with the Burning Ordinance and the Firearms Ordinance. The Board was in agreement. There was no public comment.

Motion was made by Chairman Bennett, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #97-2, the Alcoholic Beverage Open Container Ordinance, as specified above, with a review in six months time.**

The second Public Hearing concerns the review of applications for Community Development Block Grant funds. Mr. Horrocks noted Hilltown Township has the potential award in 1998 in the amount of \$93,800.00. Two applications were received for the Board's review. One application, from the Hilltown Township Public Works Department, has requested funds for the repair of six roads, including East Summit Street, Clearview Road, Spur Road, Heather Drive, Edgewood Drive, and Sunny Road. The total amount of this proposed road work is approximately \$105,800.00. If the Director of Public Works, Mr. Buzby, can complete the above work, the grant funds would be short \$12,000.00. Mr. Buzby had suggested the additional \$12,000.00 be taken from the 1998 General Fund Budget.

In addition, an application was received from the Hilltown Historical Society, suggesting that any funds remaining from the proposal submitted by the Public Works Department, should become available for their continuing efforts to restore the Hartzell-Strassberger Homestead.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to use the \$93,800.00 from the Community Development Block Grant Funding, if approved, to complete repairs of the above six roads; and if funds are remaining, they should be applied toward the restoration of the Hartzell-Strassberger Homestead.

\*The advertised Public Hearings adjourned at 8:20PM, and Chairman Bennett reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors immediately following.

G. SOLICITOR'S REPORT - Mr. Jack Wuerstle, Township Solicitor's Office -

1. Solicitor Wuerstle presented Development and Financial Security Agreements for the Keystone Estates Subdivision for the Board's execution this evening.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-24 for the drainage/snow storage easement for the Keystone Estates Subdivision**, and to accept the Financial and Security Agreements for the Keystone Estates Subdivision.

2. Solicitor Wuerstle presented a Treatment and Maintenance Agreement for the Hewitt Spray Irrigation System. ~~An escrow check was delivered to the Township Manager earlier this evening.~~

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Spray Irrigation System agreement for Mr. and Mrs. Barry Hewitt.

3. Solicitor Wuerstle presented a Street Light Resolution for the Orchard Glen Development, authorizing the assessment of street lights within this development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-25 to assess street lights within the Orchard Glen Subdivision**.

4. The storm drainage easement assessment required for Lots #44 through #49 of the Country Roads Subdivision was received from the developer and has been recorded.

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

1. Gray Subdivision - This 3 lot subdivision located on Broad Street and Stump Road was unanimously recommended for final plan approval by the Planning Commission, conditional upon the following:

- Ultimate right-of-way area of Broad Street and Stump Road must be dedicated to Hilltown Township.

- Financial security/development agreements must be executed between the Township and the applicant to guarantee installation of public improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Gray Subdivision, pending completion of all outstanding items as noted by the Planning Commission.

2. Atkinson Subdivision - This minor subdivision located at Callowhill Road and Hilltown Pike was unanimously recommended for final plan approval by the Planning Commission subject to verification of approval of Planning Modules by PADEP.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Atkinson Subdivision, pending verification of approval of Planning Modules by PADEP.

3. Ken-Jan Subdivision - This 2 lot subdivision is located on Twinbrook Road and was unanimously recommended for final plan approval by the Planning Commission subject to completion of the following items:

- Reference to the prior subdivision plans for the site, including plan title, number of sheets, firm responsible, date of plan, and latest revision date, as well as recordation information must be noted on the plan.
- Street trees must be installed along the frontage of Lot #1 (the proposed building lot) as required by Section 515 of the Subdivision/Land Development Ordinance.
- Planning Modules must receive approval from the Bucks County Department of Health, Hilltown Township, and PADEP; unless an exemption is granted by PADEP.
- Concrete monumentation as shown on the plan for Lot #1 must be installed and certified in writing by the responsible surveyor prior to plan recordation.
- Verification of approval of proposed erosion and sedimentation control measures must be received in writing from the Bucks County Conservation District.

This plan is a re-subdivision of a property owned by Mr. Ken Beer, located primarily on Twinbrook Road, although a portion is located on Blooming Glen Road. The first subdivision was to remove the existing farmhouse on the property and was oddly shaped



to include a septic system area. The second subdivision of the site was a proposed building lot located in a wooded area on the property. The present plan for subdivision is for a single building lot, identified on the plans as Lot #1 and is located 75 ft. away from the last subdivision. The purpose of the 75 ft. wide strip is to allow Mr. Beer to control the area's agricultural field drainage. Lot #1 is 50,000 sq. ft. net area and is proposed to be served by a package treatment plant which will discharge into a previously established easement area, and then flow into the drainage channel on the opposite side of the roadway. There is a note on the plan that if the larger 81 acre parcel is ever subdivided, improvements may be required by the owner of Lot #2, across both this lot and the previous lot, the corner, and the lot currently owned by Mr. Rodney Beer, the applicant's son.

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

4. Lederach/Balmer Subdivision - Revised plans were received and an extension was granted by the applicant. No action required.

5. Alff Subdivision - This minor subdivision located on Minsi Trail was unanimously recommended for denial by the Planning Commission due to non-compliance with the Subdivision/Land Development Ordinance and Zoning Ordinance requirements as itemized in the January 22, 1997 engineering review. The applicant previously granted a 6 month extension for action advising that he was required to install a new septic system for the Bucks County Department of Health prior to advancing further on the subdivision. The Township has not received any additional plans or documentation, and the review period required by the Municipalities Planning Code expires on September 17, 1997. Mr. Wynn spoke to the applicant, who indicated that he is not going to pursue the subdivision plan at this time.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Alff Subdivision, pending completion of the outstanding items as noted by the Planning Commission.

6. Dublin Hunt - This 55 lot subdivision located in Dublin Borough off Maple Avenue includes 9 lots with rear yard areas located within Hilltown Township. The plan was discussed briefly at the Planning Commission meeting and the applicant was advised that a submission to the Township is required. There are no proposed dwellings or roadways in Hilltown Township, however the rear yard areas within the Township are proposed as privately owned deed restricted open space. Mr. Wynn is concerned about how the stormwater management will be treated along the rear lot lines.

Further, following discussions with the developer, Mr. Wynn advised the farmhouse located in Hilltown Township which fronts on Forest Road is proposed to be connected to Dublin Borough's sewer system. Discussion took place.

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

1. Keystone Estates - This five lot subdivision is located on Keystone Drive. The escrow for this development included approximately \$22,000.00 to guarantee installation of a water main from the North Penn Water Authority. The North Penn Water Authority is now requiring the developer to execute an agreement prior to the extension of the water main and connection to the water facilities which were installed approximately a week ago. The total cost sought from the developer is \$31,323.00, of which \$18,198.00 is construction. The Township actually escrowed \$22,000.00, and the balance of the \$31,323.00 is \$13,125.00 in tapping fees, which the Township did not escrow. The developer has requested that the Township authorize the release of the \$22,000.00 so that payment can be made toward the North Penn Water Authority request.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the release of the \$22,000.00 Keystone Estates escrow directly to the North Penn Water Authority, as noted above.

J. LINENS FOR SIGNATURE:

1. Gray Subdivision

K. PUBLIC COMMENT:

1. In order to prevent future accidents, Mr. John Gillespie suggested that a "No Turn On Red" sign be installed on the arm mast of the new traffic signal at the intersection of Callowhill Road and Rt. 113, for traffic flowing south on Callowhill Road from South Perkasio Road. The Board was in agreement.

2. Mrs. Jean Bolger questioned the placement of the light at the top of the Comcast tower located to the rear of the Municipal Building. Mrs. Bolger understood that the tower did not require the installation of lights because it's height was under 130 feet. Mr. Horrocks explained a light at the top of the tower was a condition imposed during the Conditional Use approval. Further, F.A.A. regulations have been revised within the last year and a half.

Mrs. Bolger commented there are other private organizations within Hilltown Township, besides the Hilltown Historical Society, such as the Civic Association, who conduct their own fund raising to maintain themselves. Therefore, Mrs. Bolger takes exception to her

tax dollars going towards the restoration of the Hartzell-Strassburger Homestead through the C.D.B.G. funds which was discussed earlier. Supervisor Bennington explained the likelihood of the Historical Society getting a share of the grant funds is slim. Further, there were no other applications for grant funds, other than the two discussed this evening.

After reading the minutes of the July 28, 1997 Supervisor's meeting, Mrs. Bolger questioned the amendment to the Hilltown Water and Sewer Authority's lease agreement with Hilltown Township. Mr. Horrocks explained there was an addendum to the lease agreement with the Hilltown Authority which the Supervisors recently executed specifying the other considerations as required by the Township.

3. Mr. John Perritt, president of the Silverdale Fire Company, thanked Supervisor Bennington for his efforts in providing information from his employer to obtain Hepatitis B vaccinations at a substantial reduction when purchased through their company.

Mr. Perritt advised the Board that the Silverdale Firehouse sustained a lightening strike during the last storm, which damaged their printer, siren, transformers and wiring. The Silverdale Fire Company was totally operational on generator power that evening.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington thanked the Silverdale Fire Company for their immediate traffic control action during the power failure following the severe storm last weekend.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the August 25, 1997 Hilltown Township Board of Supervisors Meeting was adjourned at 9:00PM.

Respectfully submitted,

*Lynda Seimes*  
Lynda Seimes  
Township Secretary