

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, June 23, 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 7:40PM and opened with the Pledge of Allegiance.

Also present: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Gregory J. Lippincott, Asst. Township Manager/Zoning Officer
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett announced the Supervisors met in Executive Session prior to this meeting in order to discuss pending litigation.

A. APPROVAL OF MINUTES:

Action on the minutes of the May 27, 1997 Board of Supervisors Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 27, 1997 Board of Supervisors meeting, as written.

Action on the minutes of the June 9, 1997 Board of Supervisors Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 9, 1997 Board of Supervisors Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated June 24, 1997, with General Fund payments in the amount of \$33,810.05, Fire Fund payments in the amount of \$42,600.00, State Highway Aid payments in the amount of \$8,073.11, and Escrow Fund payments in the amount of \$1,493.16; for a grand total of all funds in the amount of \$85,976.32.

Supervisor Fox questioned the bill from Niessen, Dunlap, and Pritchard in the amount of \$2,630.00. Mrs. Leslie, Township Treasurer, advised this is the final payment for auditing services for 1996. There was a total of \$9,500.00 for the audit, and \$2,500.00 for the single audit.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated June 24, 1997, subject to audit.

C. CONFIRMED APPOINTMENTS/PUBLIC COMMENT:

1. Mr. Daniel Shannon, Trefoil Properties - Longacre Tract/Cherry Road - Mr. Shannon presented a sketch plan showing the location of the property along Rt. 113, across the street from Calvary Church. Mr. Shannon had appeared before the Board of Supervisors and the Planning Commission several months ago to discuss the possibility of developing this tract into 30 single family dwellings. The site consists of approximately 50 acres, with the majority of the property located within the Rural Residential Zoning District. Mr. Shannon fully understands the Township's policy to prohibit the extension of public sewer into the RR Zoning District; however he feels this is a unique circumstance since approximately 10 - 20 homes above the site have been experiencing malfunctioning on-site sewage systems. Mr. Shannon feels he could be part of the solution by extending the public sewer from the Calvary Church property through the Longacre tract at which point the sewer lines could be extended to service those homes with malfunctioning systems. Mr. Shannon appeared before the Telford Borough Authority to discuss the possibility of connecting to their system. If it was permissible, the applicant would be required to do improvements to a certain number of manholes in order to obtain EDU's for the project. Mr. Shannon noted there is very limited capacity available at the treatment plant.

Supervisor Fox advised this site is serviced by the Telford Borough Authority, even though it is physically located in Hilltown Township's Rural Residential Zoning District. The area in which the sewage systems are failing on Cherry Road is served by the Hilltown Township Authority. Supervisor Fox suggested the applicant install alternate sewer systems for development of the Longacre Tract. Supervisor Fox would not be agreeable to extending the public sewer into the Rural Residential district, because he feels it will set a precedent and development will be out of control. To extend the public sewer into the RR district, would require amending the Zoning Ordinance and the Comprehensive Plan. Mr. Shannon is concerned about the environmental issues involved with the failing systems on Cherry Road, and feels his proposal is a viable alternative. Further, Mr. Shannon does not feel the soils are suitable for an additional 30 homes due to the existing malfunctioning systems in the area. Mr. Shannon does not believe that the extension of public sewer to service 30 dwellings on the Longacre Tract will lead to massive development in Hilltown Township since there is currently limited capacity available at the Pennridge Wastewater Treatment Plant. It is Mr. Shannon's opinion that extending the public sewer through the Longacre Tract could benefit those residents of Cherry Road. Supervisor Fox understands Mr. Shannon's point, however from the Township's position of controlled growth, this proposed extension of public sewer would be detrimental. Supervisor Bennington agreed, and noted consideration must also be given to the Campbell property and the Baker property which could create uncontrolled development in that area. Another problem with this proposal is that the Telford Borough Authority system and the

Hilltown Township Authority system are not compatible. Further, the Hilltown Authority's system ends as close to the Cherry Road homes as Mr. Shannon's termination point would. Therefore, Supervisor Bennington does not feel that Mr. Shannon's proposal would be benefiting the Township in any way. Mr. Wynn asked if Mr. Shannon has access to Cherry Road for the extension of public sewer. Mr. Shannon replied that the public sewer could be extended to the far end of the Longacre Tract. Mr. Wynn reminded that Board that with this scenario, the public sewers would have to be run through private property to get to Cherry Road. Mr. Wynn noted the Hilltown Authority has the jurisdiction of Cherry Road and the sewers proposed to be extended into the Longacre Tract are under the jurisdiction of the Telford Borough Authority. The Hilltown Authority currently has sewer lines on Cherry Road, however the cost of extending the lines to serve properties primarily on one side of the roadway is very expensive. Mr. Shannon believes the Township would have to extend the public sewer line approximately 1,000 ft. from Cherry Drive along Cherry Road to get to the point equal to where the Longacre Tract comes close to intersecting Cherry Road. Supervisor Bennington is not willing to consider the extension of public sewer into the Rural Residential Zoning District.

Mr. Wynn suggested Mr. Shannon prepare a plan and cost estimate showing how his proposal to extend public sewers can possibly benefit the Township. Solicitor Grabowski explained the Hilltown Authority is currently in the process of assisting in the revision of a proposed Act 537 which will be submitted to the Township for review within the next several months. At this point, the Authority engineer has reviewed estimated costs as to the correction of the Cherry Road/Cherry Drive malfunctioning septic systems at approximately \$900,000.00 to serve 30 homes. Solicitor Grabowski does not feel any residents in Hilltown Township can afford to pay \$30,000.00 for a public sewer connection. In order for the Township to even consider Mr. Shannon's project, Solicitor Grabowski asked what the applicant would be willing to do to help defray the cost of the Cherry Road project. Mr. Shannon will evaluate the issue and will discuss it with the Hilltown Authority and their engineer. The Board had no objection to these discussions.

2. Mr. Riccardo Ventresca - Zoning Hearing Continuance Fee - Mr. Ventresca was in attendance to discuss a pending Zoning Hearing (#97-08) for Mr. and Mrs. Teed. The hearing was held last Thursday at 8:00PM. Due to circumstances, an alternate member, Mr. Frank Buschman, had been appointed to the Zoning Hearing Board because all three members and the Solicitor had recused themselves from the hearing due to conflict of interest. Due to the number of adjoining property owners who were opposed to the variance request, the hearing did not actually commence until close to 9:00PM. Mr. Buschman had declared that the hearing would not proceed past 11:00PM to hear testimony. Although Mr. Ventresca's applicants were willing to proceed, they only had the opportunity to present three of their five witnesses. Mr. Buschman indicated

that the hearing would be continued and it has been scheduled for Thursday, June 26, 1997 at 7:00PM. According to Hilltown Township Resolution #97-6, in the event there is a multiple hearing, the applicant is required to submit an additional fee of 50% of the original fee, which in this case was \$1,500.00 for a non-residential use. Mr. Ventresca is seeking a waiver of the \$750.00 continuance fee since the hearing continuance was not a request of his client. The Board was agreeable to this request.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the \$750.00 hearing continuance fee for the Teed Zoning Hearing (#97-6), and specifying that any additional continued hearings will require the applicant to pay the continuance fee.

3. Mr. David Creciun - Land Development Waiver Request - Mr. Creciun, owner of 1910 Hilltown Pike, is requesting a waiver of land development submission for the demolition of a chicken coop, which will be replaced with a 50 ft. by 25 ft. pole barn. Since this property has been through the land development within recent years, the Planning Commission recommended that a waiver of full land development submission be granted. The pole barn will be used for storage of a tractor and backhoe.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant a waiver of full land development submission to Mr. David Creciun, as noted above.

D. MANAGER'S REPORT - Mr. Greg Lippincott, Assistant Township Manager -

1. Mr. Lippincott presented five escrow releases, two of which are cash held by the Township, for the Board's authorization:

Country Roads Phase I	Voucher #2A	\$ 81.61
County Line Shopping Center	Voucher #13	\$ 197.01
Gro-n-Sell Inc.	Voucher #1A	\$ 122.51
Hilltown Hunt Subdivision	Voucher #27	\$ 283.77
Adolph Jager Subdivision	Voucher #01	\$ 240.56

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

2. Foundations were dug and poured during the week of June 16th for construction of the Rt. 113 and Callowhill Road intersection traffic signal. Installation of the traffic signal should occur during the first half of July, 1997.

3. At their regularly scheduled meeting on June 18th, the Fire Prevention Bureau discussed the Supervisor's request to place a referendum question on the November 1997 ballot to raise the fire tax from 3 mills to 5 mills, effective 1/1/98. This process is permitted by the Second Class Township Code, as amended by Act 30 of November 9, 1995. The Fire Prevention Bureau recommends the following breakdown of the additional two mills, should the Supervisors decide to place the question on the ballot and should the voters approve the question: 1 mill for Township area covered and 1 mill for total building assessment.

Chairman Bennett advised one mill is \$36,000.00 and two mills is \$72,262.00. One of Supervisor Fox's biggest concerns as a Supervisor has been the lack of support that fire companies receive from new developments coming into the Township. Recently, Supervisor Fox has been requesting that developers contribute to the local fire company, but only rarely have they done so. Most of the new residents of the Township who transfer here from large cities, do not realize that Hilltown Township is protected by volunteer fire fighters. Supervisor Bennington feels it is vitally important that the Township provide as much funding as possible to the fire companies, and he does not feel the addition of two mills to the fire tax would cause undue hardship on the taxpayers of the Township. Chairman Bennett is normally opposed to tax increases, however in this instance, he feels the fire fighters are the unsung heroes of the community.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the placement of a referendum question on the November 1997 ballot as to whether the fire tax should be raised from 3 mills to 5 mills.

E. CORRESPONDENCE: None.

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

1. Solicitor Grabowski advised there was a need for two easements for the installation of a traffic signal at the intersection of Rt. 113 and Callowhill Road, from Mr. and Mrs. Kenneth Weidemoyer and Mr. and Mrs. Bruce Weikel.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-19 to accept the Declaration of Easement from Mr. and Mrs. Bruce Weikel; and Resolution #97-20 to accept the Declaration of Easement from Mr. and Mrs. Kenneth Weidemoyer, for the installation of the traffic signal at the intersection of Rt. 113 and Callowhill Road.**

Supervisor Fox suggested a letter of thanks be forwarded to Mr. and Mrs. Weikel and Mr. and Mrs. Weidemoyer for granting the easement for the installation of this traffic signal.

2. Chairman Bennett asked the status of the Seidel property located across the street. Solicitor Grabowski explained the attorney for the estate told him that the property would be appraised and listed for sale. Solicitor Grabowski asked the estate attorney to notify the Township as to the value placed on the property for consideration.

3. Supervisor Bennington asked the status of review of the B.O.C.A. Code Ordinance. Solicitor Grabowski believes the Building Inspector is reviewing the 1996 B.O.C.A. Code to determine whether or not it is appropriate for adoption by Hilltown Township.

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

1. Stephenson Subdivision (Minor) - This lot line adjustment subdivision located on Rt. 113/Deerfield Circle was unanimously recommended for approval by the Planning Commission subject to the following conditions:

- A legal description, signed and sealed by the responsible surveyor, must be provided to the Township for the consolidation of Lot #2 with the Stephenson tract.
- Right-of-way area of Rt. 113 along the frontage of Lot #1 must be dedicated to the Township as an easement.
- Concrete monuments must be set at property corners in accordance with Section 522 of the Subdivision Ordinance and be certified in writing by the responsible surveyor.

Additionally, the Planning Commission recommended approval of the waivers requested by the applicant regarding plan scale, soil data, planning modules, erosion and sedimentation control plan, and street improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Stephenson lot line adjustment, pending completion of all outstanding items as specified above, and to grant the waivers as requested by the applicant.

2. Dean's Harley-Davidson - Mr. Wynn advised the Planning Commission unanimously recommended final plan approval for the land development located on Bethlehem Pike (which was granted preliminary approval by the Supervisors on December 23, 1996). The approval was conditioned upon verification that pins and monuments have been installed in accordance with the plan. On June 17, 1997, correspondence was

received from Strothers Associates advising that the pins and monuments were set as of June 10, 1997. Accordingly, all conditions of preliminary plan approval have been accomplished.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Dean's Harley-Davidson plan.

3. Atkinson Subdivision (Minor) - This minor subdivision plan, located on Callowhill Road/Hilltown Pike, was unanimously recommended for denial by the Planning Commission unless an extension is received before July 20, 1997. The applicant was present at that meeting and advised an extension would be forthcoming. The basis for denial is non-compliance with Ordinance requirements as contained within the May 13, 1997 engineering review and pursuant to Section 515.1.(b) of the Pennsylvania Municipalities Planning Code which permits the Township to refuse to grant any approval necessary to further develop a property which is in violation of any Ordinance adopted pursuant to this article. There is an existing zoning violation on the property for alteration to a structure without having secured a proper zoning permit in accordance with Section 802 of the Ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Atkinson Subdivision plan unless an extension is received prior to July 20, 1997.

4. Phinney Subdivision - Mr. Wynn advised that on the same site as the recently approved three lot Phinney Subdivision, there is an outstanding application for a minor subdivision which includes a proposal to construct five apartments in the existing Phinney residence. As this plan is still active, the Planning Commission unanimously recommended denial of the Phinney Minor Subdivision plan due to non-compliance with the Zoning Ordinance and Subdivision regulations as contained within the engineering review dated March 14, 1994 and the Bucks County Planning Commission review dated March 30, 1994.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Phinney Minor Subdivision, due to non-compliance with the Zoning and Subdivision/Land Development Ordinance requirements, the engineering review dated March 14, 1994, and the Bucks County Planning Commission review dated March 30, 1994.

H. ENGINEERING.

1. Country Roads - Mr. Wynn presented a copy of a portion of the Country Roads plan showing the area of Phase II, at the top of Country Road and Misty Meadow, which contains a row of occupied townhouses. To the rear of these townhouse units, there is a drainage problem due to the flatness of the property. The developer has proposed an easement/storm sewer system extension in order to improve drainage in the rear yards of the townhouses. Mr. McKenna has agreed to install a 12 inch perforated plastic pipe with two lawn inlets at his expense.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the construction of an easement/storm sewer system extension to the developer of Country Roads, pending execution of an easement/storm sewer system agreement with the owners of the townhouse units.

2. Hilltown Hunt - Mr. Wynn advised the retention basin in the Hilltown Hunt Subdivision was reconstructed on June 11th, 12th, 13th, and 16th. The basin was deepened at it's outfall by 2 ft., the berm was raised approximately 18 inches, and the outlet structure was changed as previously discussed. The basin was seeded and the grass is growing as of this date. Mr. Wynn spoke with Mrs. Christiansen last Tuesday about the improvements that were made to the retention basin.

3. Off-the-Wall - The applicant has requested an extension for completion of required improvements, including retention basin modifications, landscaping, etc., until September 30, 1997, and has obtained an extension of their letter of credit to that date.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize extension of the letter of credit and completion of improvements for the Off-the-Wall Land Development until September 30, 1997.

4. At their last meeting, the Planning Commission discussed their concern of trucks entering the Skunk Hollow Quarry site at the curve on Broad Street. The Planning Commission unanimously recommended that the Supervisors consider the installation of a "Stop, Except Right Turn" sign on Broad Street at the westbound approach to the curve. This would require all quarry trucks to stop before proceeding across the curve into the rear entrance of Skunk Hollow Quarry.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the advertisement of a Public Hearing to consider the adoption of an Ordinance for the placement of a "Stop, Except Right Turn" sign on Broad Street at

the westbound approach to the curve at the rear entrance to the Skunk Hollow Quarry site.

I. PLANS FOR SIGNATURE:

1. David Wayne Moyer Subdivision

J. PUBLIC COMMENT:

1. Mr. John Gillespie, chief of Silverdale Fire Company, has been called to the Country Roads development on four separate occasions with complaints of vehicles parked in front of fire hydrants. There is proper signage throughout the development, however parking violations continue. Mr. Gillespie noted it is very critical that the fire hydrants remain clear for easy access. Chief Egly will take care of the matter.

2. On Thursday, June 19th, during a routine speed check on Rt. 313, between Blue School Road and Rt. 113, Chief Egly advised a vehicle was clocked at 94 m.p.h. Further, drunk driving arrests are increasing.

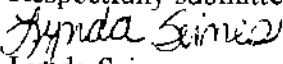
Chief Egly requested a meeting with the Board of Supervisors prior to the July 14, 1997 worksession meeting in order to introduce the officer being considered to replace Sgt. Ashby Watts, who is retiring at the end of this month.

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

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington noticed that the "No Parking" signs in the Pleasant Meadows development still remain on both sides of the street, despite a motion that was made several months ago to remove the signs on the left side of the street. Mr. Lippincott will bring this matter to the attention of Mr. Horrocks and Mr. Buzby.

M. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the June 23, 1997 Board of Supervisors meeting was adjourned at 9:00PM.

Respectfully submitted,

Lynda Seimes
Township Secretary