

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING**

Tuesday, May 27, 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: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
Mike Russek, Township Engineer's Office
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated May 28, 1997, with General Fund payments in the amount of \$38,497.51, Fire Fund payments in the amount of \$10.107, Debt Service Fund payments in the amount of \$20.14, and Escrow Fund payments in the amount of \$100.55; for a grand total of all payments in the amount of \$38,628.27.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated May 28, 1997, subject to audit.

B. CONFIRMED APPOINTMENTS/PUBLIC COMMENT:

1. Mr. Larell Gruver, Niessen, Dunlap and Pritchard - 1996 Audit Report - Mr. Gruver of Niessen, Dunlap and Pritchard, was in attendance to review the audit report for 1996. Mr. Gruver advised it is the Township's policy to prepare its financial statements on the cash basis of accounting. The financial statements are strictly for the activities of the Township and do not include the activities of the Hilltown Township Water and Sewer Authority.

In 1996, Mr. Gruver advised the Township was the recipient of a number of federally funded grants, some of which came through the Commonwealth of Pennsylvania but originated as federal funds. Because the amounts received exceeded \$100,000.00 for the year, the Township was required by the federal government to have a single audit. In this particular area of the audit, Mr. Gruver noted there was only one finding. With federal funding, Mr. Gruver explained there is a provision in the contract that the municipality must adopt written policy to make it a drug free workplace in accordance with federal standards. The Township previously adopted such policies for the police and non-uniform employees, however it was never included to encompass the

remaining administrative employees. It is Niessen, Dunlap, and Pritchard's recommendation that this policy be amended to include all employees of the Township.

Pages 3 and 4 of the report contains the statement of assets, liabilities, and fund balances for the various fund groups. The General Fund finished the year with a total fund balance of \$222,999.00. Special Revenue Funds include street light tax, liquid fuels, fire hydrant tax, and fire funds, which ended the year with a fund balance of \$81,144.00. The Capital Projects fund, which includes construction monies from the previous Bond Issues still available to the Township, ended the year with a fund balance of \$114,264.00. The Debt Service Fund includes tax revenues assigned for the Bond Issue, which ended the year with a fund balance of \$68,691.00. The Agency Fund is the escrow activity for the Township with a year end balance of \$115,539.00. The Pension Trust Funds include both the police plan and the non-uniform plan with the Pennsylvania Municipal Retirement System. Total fund balance combined at year end was \$3,213,294.00. The General Fixed Asset Account is a historical fund maintained to record the historical value of equipment, buildings, and any other major improvements, excluding infrastructure, such as highways, etc., The total year end fund balance was \$3,053,652.00. The General Long Term Debt group records the liabilities of the Township, and ended the year with a balance of \$2,290,000.00, which is the principle outstanding on the 1994 Bond Issue.

Supervisor Bennington asked what specifically the Debt Service fund can be used for. Mr. Gruver replied the fund can be used to retire debt earlier than necessary. It is Mr. Gruver's understanding that this fund can only be used for debt service, since millage has been set aside for that. If monies remain after the Bond Issue has been retired and all obligations have been met, Mr. Gruver believes the fund can be used for general purposes. Solicitor Grabowski commented the Debt Service Fund can also be used for authorized capital improvement projects.

Pages five and six show the activity of revenues collected and expenditures paid by each fund group. The General Fund had total revenues of \$2,647,446.00 and total expenditures of \$2,715,420.00. At that point, there were excess expenditures in the General Fund in the amount of \$67,974.00, however in those expenditures were some major items such as the cost of the salt storage buildings. Mr. Gruver explained there was \$78,000.00 transferred from the Capital Projects Fund to reimburse the General Fund for a portion of the cost of the salt storage building. After that transfer, the General Fund actually had an increase for the year in the amount of \$10,026.00. The Special Revenue Fund includes Street Light Tax, Fire Hydrant Tax, State Highway Funds, etc., and had \$344,112.00 of revenues, including some of the grant monies Mr. Gruver alluded to earlier. There were expenditures in this fund in the amount of \$315,269.00, for excess revenues in the amount of \$28,843.00, which was the increase in that group for the year. The Capital Project Fund included only the income activity in the amount of \$9,184.00,

which is the earnings on investments, and the transfer out to General Fund in the amount of \$78,000.00. The Capital Project Fund decreased in the amount of \$68,816.00 for the year. Total revenues in the Debt Service Fund were \$212,198.00, with total expenditures in the amount of \$196,427.00, for an increase in the fund of \$15,771.00 for the year. The Pension Trust funds accumulated a significant amount of interest earnings and investments for 1996. It is Mr. Gruver's understanding that P.M.R.S. had some very good gains and results in their assets which covers all the plans administered by them. There was only \$40,778.00 of expenditures from the pension fund, therefore the pension funds combined increased \$607,783.00 for the year.

Pages seven and eight contain basically the same numbers as previously discussed, however they are compared to the budget which was adopted for the General Fund, Special Revenue Funds, and the Debt Service Funds. Mr. Gruver explained General Fund revenues were collected at a total of \$291,052.00 higher than what was budgeted, which is a favorable variance. Expenditures were \$104,026.00 over budget, however they included some of the capital outlay for the construction of the salt storage buildings. After the total of \$78,000.00 was transferred from the Capital Projects Fund to the General Fund, there was an actual increase for the year in the amount of \$10,026.00. The original budget actually showed the use of \$125,000.00 from the General Fund, and therefore there was a favorable variance in the General Fund, compared to an actual budget number of \$135,026.00. With regard to the Special Revenue Funds, Mr. Gruver advised the only real variances were the PEMA Grant monies, which were as a result of an emergency and obviously were not budgeted for.

Page nine begins the notes to financial statements which are narratives explaining the accounting principles as utilized and more detailed explanations of some of the amounts on the financials. Pages nine through twelve contain standard disclosures which are fairly common from year to year.

Page thirteen begins some of the specific notes that relate to the amounts in the financials. Recently, under the governmental accounting principles, new note disclosure requirements for investments were issued. Those figures have been incorporated in this section of the report. Approximately \$90,000.00 of investments are being held in Union National Bank in money market funds which have been invested in U.S. Treasury Securities. The Pension Trust Fund contains \$3.2 million dollars which is held by P.M.R.S.. Mr. Gruver explained that each of the municipalities whose plans are part of the P.M.R.S. group, share in a portion of the total assets. There are not specific treasury notes as identified for a specific municipality.

Note #6 on pages fourteen and fifteen begins the discussion of the Bond Issue for 1994. Page fifteen provides the amortization schedule, and the Debt Service requirements for the Bond Issue through the year 2016.

Note #7 on page sixteen states that as of December 31, 1996, the Township has designated \$38,415.00 of the General Fund fund balance, resulting from capital contributions received in 1990, 1992, and 1996, to be used for future road improvements. Note #8 begins the pension plan disclosures for both the police and non-uniform pension plans. The police pension plan contained \$2.5 million of investments at the end of 1996, and the non-uniform plan contained \$665,049.00 of investments at the end of 1996. Page 20 shows the status of each pension plan as of January 1, 1996. Mr. Gruver noted that the police pension plan was overfunded with assets in excess of the obligation in the amount of \$166,339.00 and the non-uniform pension plan was overfunded with assets in excess of the obligation in the amount of \$175,456.00. Page twenty-one is a summary of the contributions made to the pension plans. Supervisor Bennington wondered why it was preferable for pension funds to be overfunded. Several years ago, the Township pension plans were underfunded, and the municipality had to make up the difference. Now that those same funds are overfunded, Supervisor Bennington felt the difference should be distributed to the municipalities. With a defined benefit plan, Mr. Gruver explained that P.M.R.S. is projecting out to a future date the benefits that the police and non-uniform employees will receive, which is based on many things, including life expectancy tables and an assumed rate of return on investments. If there is a year where investment activity is below that average and is poor, the actuaries will factor that in over a fifteen year period. Therefore, changes from year to year will not drastically affect the plan. Hilltown Township's pension plans have been drastically overfunded for several years. Discussion took place.

Page twenty-three shows the miscellaneous governmental expenditures to the General Fund, with current year contributions to the pension plans and P.M.R.S. prior year figures. The Board may recall from last year's audit that there were findings from the Auditor General's office, however those findings have been rectified. Pages twenty-four through twenty-seven speaks of the funding status of both pension plans from 1987 through 1996.

Mr. Gruver noted there is no management letter this year because Niessen, Dunlap, and Pritchard felt there were no weaknesses that required immediate attention. Mr. Gruver thanked Mr. Horrocks, Mrs. Leslie, and the administrative staff for their cooperation throughout the audit process.

2. Mr. George Collie - Heritage Building Group - Longleaf I Subdivision -
At the May 12, 1997 meeting, the Board discussed a preliminary approval for Longleaf Estates and requirements for improvements to Diamond Street, a foot bridge across the

Pleasant Springs Creek, and ownership of open space on either side of the former Elizabeth Finkelstein house, now owned by David Kulp, the detention basin beside the Kulp's access drive, and several other issues.

As part of the discussion, Mr. Collie had agreed to address these issues in writing prior to this meeting. Mr. Collie is requesting the following:

- Diamond Street improvements: The applicant agrees to widen Diamond Street along the entire frontage of the Kulp and Finkelstein properties to a half width of seventeen feet with curbs and sidewalks. The design for these improvements will be completed between preliminary and final plan approval. The applicant would like to post the escrow for this work prior to the earlier of - the release of the 47th building permit or request for dedication of interior streets in the Longleaf Estates I project.
- Foot Bridge across Pleasant Springs Creek: The applicant agrees to design, secure all permits, and construct this bridge. The applicant would like to design and secure the permits and post the escrow for this work prior to the earlier of - release of the 47th building permit or request for dedication of the interior streets in the Longleaf Estates I project.

With both of these requests, Mr. Collie noted Hilltown Township will have security posted to complete the other improvements in the subdivision. Obviously, the applicant will be requesting release of escrows periodically. As the last releases are requested, the aforementioned design and permits should be completed and the applicant would post additional escrow funds for Diamond Street improvements and the foot bridge construction.

Supervisor Bennington asked how many lots are proposed. Mr. Collie replied 52 lots are proposed in this subdivision. Supervisor Bennington was very concerned that the applicant has not agreed to post the escrow for the improvements on Diamond Street and construction of the foot bridge until the 47th building permit is obtained. Mr. Collie commented it would be more financially feasible for the applicant to delay the improvements. Mr. Collie explained the proposed improvements to Diamond Street will all be designed prior to final plan approval. The foot bridge will most likely be designed, however Mr. Collie noted there will be a permitting issue with the Army Corp. of Engineers and some wetland permits, which may take some time. Supervisor Bennington stated the Township has never allowed any other developer to do what Mr. Collie is proposing. If the applicant were to walk away from the development, the Township will have no monetary guarantee with which to complete the subdivision. Mr. Collie

commented the Township will have the guarantee of the significant escrow funds which must be posted for the remainder of the project, in the amount of approximately \$800,000.00 to \$1,200,000.00. The developer estimates the cost of the foot bridge to be approximately \$60,000.00. Solicitor Grabowski is also opposed to this request, and believes Mr. Collie is suggesting that the Township use other escrowed funds as guarantee, however those funds are earmarked for specific improvements. Solicitor Grabowski would not recommend that the Board approve this plan without the proper posting of escrow and security for the required improvements. Supervisor Bennington reminded the Board that this type of precedent has never been set before, and he is not prepared to approve this request. It is Supervisor Bennington's opinion that escrows be posted for both improvements to Diamond Street and the foot bridge prior to construction of the development. Chairman Bennett and Supervisor Fox agreed.

- The applicant requests permission to deed the open space on either side of the David Kulp property to Mr. and Mrs. David Kulp with the following stipulations:
 - these lands will be deed restricted so that they may not be used in any calculations for future subdivision and no buildings could be erected on them.
 - these lands would remain on the tax rolls, with the Kulp's having responsibility to maintain and keep insurance on these parcels.
 - the Kulp's would have deeded access to their driveway, rather than an easement.
 - the Kulp's would accept responsibility for the detention basin on the parcel closest to Orchard Road.
 - the Hilltown Township Planning Commission raised the issue that the Kulp property was not a part of this subdivision. The applicant submits that it is closely tied to the current subdivision by notes on the subdivision plan which separated the Kulp parcel from the current subdivision, but required improvements to Orchard Road and Diamond Street in front of the Kulp and Manero properties, and the creation of an access easement to the Kulp property.

Supervisor Bennington disagreed with Mr. Collie's assumption that the Kulp property is part of this subdivision, nor is it in any way linked to this subdivision. Supervisor Fox commented there is an easement, and it is his hope that the easement will remain. Further, Supervisor Fox believes the property owners of this subdivision deserve the right to use the open space area. It is Supervisor Fox's opinion that the Township accept the deed of that open space area in the amount of 15 acres to add to its park system. Discussion took place. Supervisor Bennington noted this property consists of a combination of woodland

and floodplain, which would remain a wooded area if the Township retained ownership. Mr. Collie commented it could remain wooded if it was deeded to the Kulp's as well, with certain restrictions imposed by the Township. If Mr. and Mrs. Kulp were not agreeable to any of the restrictions imposed by the Township, Solicitor Grabowski advised the Township could vote to retain ownership of that open space area.

For verification purposes, Mr. Collie mentioned the following three issues:

- With regard to the sidewalk along the Popiwyny property, the applicant is agreeable to installing that sidewalk. They intend to forward correspondence advising that the sidewalk will be installed, however the applicant feels it should be installed as a full-width handicapped sidewalk.
- Concerning Diamond Street improvements, Mr. Wynn had indicated that a 17 ft. half width would be acceptable and that he would support that with PennDot.
- With regard to the recreation areas, the applicant is required to construct tot lots. At a previous meeting, the applicant had suggested that one tot lot and one gazebo be constructed instead. Further, the applicant had indicated they would be happy to discuss the entire park area with the Park and Recreation Board.

Supervisor Fox feels the Park and Recreation Board should make a recommendation concerning recreation facilities for this site. Supervisors Bennington and Bennett agreed.

- The applicant had agreed to construct a black top path in lieu of sidewalk along the recreation area, not in addition to a sidewalk. This was at the recommendation of the Park and Recreation Board.

Supervisor Bennington believes the walkway around the open space was to be concrete, not bituminous. Mr. Collie explained that at the direction of the Park and Recreation Board, the applicant had shown a bituminous walkway rather than sidewalk around the entire perimeter of the open space area, to the tot lot and to the Jager property. The Supervisors and the Planning Commission, however, had requested a concrete sidewalk around the perimeter of the road. Supervisor Fox suggested this matter be discussed further with the Park and Recreation Board.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant conditional preliminary approval to the Longleaf Estates I plan, pending completion of all outstanding items as noted in Mr. Wynn's engineering review, highlighting the fact that escrows are required prior to the start of construction of the development for Diamond Street improvements, the footbridge across Pleasant Springs Creek, and dedication of the two parcels of open space (15 acres), including the detention basin to the Township, with an escrow in the amount of \$6,000.00.

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

1. Mr. Horrocks presented a series of escrow releases for the Board's authorization. Mr. Horrocks wished to remove, however, the escrow for Quiet Acres Mobile Home Park, Voucher #3A in the amount of \$107,132.48, which will be discussed later in this meeting.

Bearings and Drives	Voucher #06	\$ 133.00
Bricks Villa Phase II	Voucher #13	\$ 605.57
Hilltown Hunt Subdivision	Voucher #26	\$ 292.34
Orchard Glen Subdivision	Voucher #12	\$ 674.50
Waste Management of Indian Valley	Voucher #07	\$ 393.66

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

2. Four bids were received on Monday, May 19, 1997 for a traffic signal at the intersection of Callowhill Road and Rt. 113. The bid results are as follows:

L. Rice Electrical	\$ 29,980.00
Lenni Electric	\$ 30,659.20
E.M.R. Engineering	\$ 35,445.00
T.P.H. Electric	\$ 35,850.00

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award Bid #97-4 for a Traffic Signal at the intersection of Callowhill Road and Rt. 113 to L. Rice Electrical in the amount of \$29,980.00.

3. Correspondence has been received from the Pennridge Area Coordinating Committee, assessing the seven participating municipalities for their first year budget in the amount of \$2,500.00. Each municipality is requested to contribute \$730.00 for their portion of that budget.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the release of \$730.00 from the Hilltown Township General Fund to support the Pennridge Area Coordinating Committee's first year budget.

Mr. Horrocks reminded the Board that the next meeting of the Pennridge Area Coordinating Committee will be held on May 29, 1997. Supervisor Fox volunteered his attendance at this meeting.

4. A request has been received from Cub Pack #189 to waive the rental fee for use of the Scout Cabin. A \$50.00 security deposit has been supplied.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive Scout Cabin rental fees for Cup Pack #189.

D. CORRESPONDENCE: None.

E. PUBLIC COMMENT:

1. Mrs. Lorraine Rogers, a representative for the residents of the old section of Quiet Acres, was in attendance to seek Supervisor support with regard to the deplorable conditions in the Quiet Acres Mobile Home Park. Mrs. Rogers explained she and her neighbors have experienced mud slides, the water is off almost every day for an hour or two, and there are electrical, cable, and telephone wires running above the ground through mud and water puddles between lots. Conditions are dangerous and unsanitary, and Mrs. Rogers asked if the Supervisors can help in any way.

Even though he was only made aware of the situation during the past few weeks, Chairman Bennett explained that Quiet Acres is a private development, with private streets that are not dedicated to the Township. Chairman Bennett has spoken to his fellow Supervisors, the Township Solicitor, and the Township Manager about the situation, however the Township's hands are tied. Mrs. Rogers wondered how Mr. Williams, the park's owner, can continue building in the new section of the development with conditions as they are in the old section.

2. Mrs. Lois Fisher of 2E Quiet Acres explained that her property is approximately 40 ft. by 150 ft. in size. A neighboring property owner's electric lines run the width and the length of the Fisher property. The owners of Quiet Acres dug a makeshift trench under the street to run the electric to the neighbor's property. Mrs. Fisher's husband hit the neighbor's electrical wire with a lawn mower last week, and could have been seriously injured or killed. The repairman who came to fix the severed electrical wires told Mrs. Fisher that if the ground had been any wetter, her husband would

have been electrocuted. Mrs. Fisher is very upset with the conditions in this section of the development. Mrs. Fisher explained most of the complaints have originated since Mr. Williams began construction of Phase II of Quiet Acres.

Chairman Bennett asked if Quiet Acres has a homeowner's association, and Mrs. Fisher replied that they do. Members of the homeowner's association have taken photographs of the existing unsafe conditions. Discussion took place. Mrs. Fisher noted that if the residents complain to Mr. Williams, they are told "If you don't like it, move."

3. Ms. Margaret Showan lives in Quiet Acres with her mother. Ms. Showan has spoken to Mr. Williams three times to no avail. Ms. Showan has contacted an attorney to learn what her rights are with regard to the unsafe conditions at Quiet Acres. It is Ms. Showan's understanding that the Township is issuing building permits to continue construction in the new section of the mobile home park and she wondered why these permits are not being revoked with conditions as they are. Ms. Showan's mother is in a wheelchair, and she can no longer gain access in and out of her home due to the amount of mud and standing water on the site. Ms. Showan reminded the Board that Quiet Acres is a senior citizen community, and each resident pays lot rent for which they get nothing. If she must, Ms. Showan will contact area newspapers to bring the deplorable conditions of the Quiet Acres Mobile Home Park to light.

Solicitor Grabowski suggested the homeowner's association contact an attorney to discuss certain private rights. Also, Solicitor Grabowski felt Ms. Showan's suggestion of contacting the newspapers is a good idea. The Township is aware of the situation, and if Mr. Williams is breaking the law in terms of violating building, electrical, plumbing or zoning codes, he will be prosecuted. Solicitor Grabowski explained that when Mr. Williams applied for expansion of the existing mobile home park, money had to be placed into escrow to complete certain required improvements as recommended by the Township Engineer's office. Unfortunately, the roads within the development are private roads and they are not under the jurisdiction of the Township. Solicitor Grabowski agreed that Mr. Williams has taken advantage of the situation with the mobile home park.

Solicitor Grabowski explained the escrow funds for completion of improvements in the new section of the park which were secured by a letter of credit was defaulted last week. The Township will see that those outstanding items under the original plan, will be completed by using these defaulted funds. This does not solve the existing problems in the old section of the park, however the public rights will be addressed. As to the homeowner's private rights, Solicitor Grabowski noted the Township will be happy to accommodate in any way it can within its power, such as offering the use of the meeting room for discussions, or possibly recommending an attorney who specializes in mobile home park law.

4. Since Mrs. Eleanor Harris has lived in Quiet Acres, she has been without electric twelve times. Mrs. Harris has hauled several wheelbarrows of stone to her property in order to cover the electrical wires that run across her lawn, and has mentioned the situation many times to Mr. Williams. It was noted that if the homeowner's association were to contact a lawyer about the situation at the park, Mr. Williams has threatened to raise the lot rent.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to direct the Building Inspector, Zoning Officer, Township Engineer, and Township Manager to inspect the old section of Quiet Acres Mobile Home Park tomorrow morning to determine what violations may exist with regard to health, safety, and welfare of the residents; and to withhold any additional building permits for the new section of Quiet Acres, until a meeting is held with Mr. Williams and the Supervisors to address the issues mentioned this evening.

The residents of Quiet Acres thanked the Board of Supervisors for their prompt attention to this matter.

Chairman Bennett called a five minute recess at 9:10PM. The regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 27, 1997 was called back to order at 9:20PM.

5. Mr. Ott, a Hilltown Township resident for 33 years who owns a farm and is a member of the Pennsylvania Game Commission, expressed interest in serving on the Open Space Committee. Mr. Horrocks advised that committee had previously been appointed, however he suggested Mr. Ott send a letter of interest to the Board of Supervisors.

6. Mr. Andrew McLaughlin and Ms. Margaret Fileau were in attendance to request permission to place a soda vending machine at the Hilltown Civic Park. Mr. Horrocks suggested this request be made of the Park and Recreation Board at their next meeting to be held on June 12, 1997 at 7:30PM.

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

1. Solicitor Grabowski explained that the Township's development agreement relating to the new section of Quiet Acres Mobile Home Park provided for the ability of the Township to declare a default if items required under the agreement had not be accomplished. Solicitor Grabowski and Mr. Horrocks went to Harleysville National Bank last Thursday and defaulted the existing letter of credit for Quiet Acres, receiving a

check in the amount of approximately \$107,000.00. Solicitor Grabowski is seeking a motion from the Board ratifying the action of default by the Township.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to ratify the action of defaulting on the letter of credit of Quiet Acres Mobile Home Park.

2. With regard to the Pileggi Subdivision located at the intersection of Rt. 113 and Rt. 313, one of the conditions of final approval and release of liens was the relinquishment by the Township of road frontage by way of a deed of dedication back to Mr. Pileggi in exchange for which an easement was to be given to the Township. To accomplish this, Solicitor Grabowski prepared an agreement and declaration of easement which were appropriately executed by Mr. Pileggi and received by the Township. Solicitor Grabowski presented the agreement, the Deed of Dedication, and the acceptance of the declaration of easement which has been given to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-16 to accept the Declaration of Easement for the Pileggi Subdivision** and to approve the ultimate right-of-way for the Pileggi Subdivision.

G. PLANNING - Mr. Mike Russek, Township Engineer's Office -

1. Gray Subdivision (Preliminary) - This three lot subdivision is located between Broad Street and Stump Road, and was unanimously recommended for preliminary approval by the Planning Commission subject to the following conditions:

- Lot #2 does not meet the minimum width requirements of Section 405.B.1. of the Zoning Ordinance which specifies that the minimum lot width measured at the required building setback line shall be 150 ft. (available lot width is 149.23 feet). The recommendation for approval is subject to the applicant's receipt of Zoning Hearing Board approval for the small reduction in lot width.
- Driveway design for Lot #3 must be revised such that that maximum change in grade at any location of the driveway shall not exceed 8% in accordance with Section 511.1.D. of the Subdivision Ordinance.
- Property monumentation must be installed prior to plan recordation and be certified in writing by the responsible surveyor.

- Planning Modules must be approved by the Bucks County Health Department, Hilltown Township, and PADEP.
- The ultimate right-of-way of Broad Street and Stump Road must be dedicated to Hilltown Township in accordance with Section 506 of the Subdivision Ordinance.
- Escrow agreements must be executed between the applicant and the Township to guarantee installation of public improvements including, but not limited to, driveway construction within the right-of-way, street tree plantings, and erosion control facilities.

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

2. McDonalds Playplace (Final) - The final plan for the McDonald's Playplace was unanimously recommended for approval by the Planning Commission subject to installation of a flagstone walkway in the planting islands between the crosswalks along the frontage of McDonalds restaurant and the bank parking facilities. The preliminary plan was conditionally approved by the Board of Supervisors at their meeting held on December 23, 1996.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the McDonald's Playplace, subject to installation of a flagstone walkway in the planting islands between the crosswalks along the frontage of McDonalds Restaurant and the bank parking facilities, and the fact that the playplace sign is not part of the final plan approval.

3. Moyer Subdivision (Minor) - This subdivision is located on Rickert Road and was unanimously recommended for final plan approval by the Planning Commission subject to the following conditions:

- Ultimate right-of-way area of Rickert Road must be dedicated to Hilltown Township in accordance with Section 505 of the Subdivision Ordinance.
- Planning Modules must be approved by the Bucks County Department of Health, Hilltown Township, and PADEP.
- A 4 inch PVC discharge line is constructed on TMP #15-28-80-11 which drains into the right-of-way area of Rickert Road. It appears that the line provides

gravity or sump pump discharge from the basement of the adjoining property of Harvey E. Bishop. An application for a highway occupancy permit must be submitted by David Wayne Moyer (lot owner) for review and approval by the Township.

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

4. Garden Spot II (Waiver) - The Garden Spot II land development is located on Rt. 309 and Church Road and contains a furniture store/warehouse and office building. The site was developed via land development approval in 1986 and 1989. The applicant and design engineer appeared before the Planning Commission requesting a waiver of land development submission for a proposed 4,950 sq. ft. one-story addition to the building fronting on Rt. 309. As land development issues such as stormwater management, street improvements, buffer plantings, etc. were addressed during previous applications, the Planning Commission unanimously recommended approval of the waiver from land development submission for the proposed addition conditional upon receipt of an as-built plan prior to issuance of a use and occupancy permit. Additionally, a motion to approve the waiver should require the applicant to reimburse the Township for all costs associated with the review of waiver request.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive land development submission for the Garden Spot II land development, with the condition that an as-built plan is submitted to the Township prior to issuance of a use and occupancy permit, and to require the applicant to reimburse the Township for all costs associated with the review of the waiver request.

5. Lederach/Balmer Subdivision (Minor) - This plan for a lot line adjustment is located on Reliance Road, and was unanimously recommended for denial by the Planning Commission due to non-compliance with plan submission requirements as noted in the March 20, 1997 engineering review, and the April 4, 1997 Bucks County Planning Commission review. The denial provides that in the event a 90 day extension in the review period is received in writing not later than June 15, 1997, the denial is void.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Lederach/Balmer Subdivision plan due to non-compliance with plan submission requirements as noted in the March 20, 1997 engineering review, and the April 4, 1997 Bucks County Planning Commission review, unless an extension is received by June 15, 1997.

6. Marshall Subdivision (Preliminary) - The site is located on Rickert Road and proposes 5 lots all exceeding 5 acres in area and all to be deed restricted from further subdivisions (4 lots are new building lots). The Planning Commission unanimously recommended preliminary plan approval subject to completion of all outstanding requirements contained in the April 21, 1997 engineering review. Waivers for street improvements were also recommended with the exception that the request for waiver of street trees is conditioned upon resolution with PP&L to insure that the existing mature trees along Rickert Road are not removed due to extension of utility lines. This could be accomplished by installation of the electrical lines behind the tree row in the open field area on Lots #1, #2, and #3.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to the Marshall Subdivision, with the conditions as specified above.

7. PECO Subdivision (Preliminary) - This 3 lot subdivision is located on Rt. 152 and was unanimously recommended for denial due to non-compliance with outstanding items contained in the engineering review dated January 29, 1997 and the Bucks County Planning Commission review dated February 3, 1997, unless a 90 day extension is submitted by the applicant and received by the Township no later than June 12, 1997.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the PECO 3 lot Subdivision due to non-compliance with outstanding items contained in the engineering review dated January 29, 1997 and the Bucks County Planning Commission review dated February 3, 1997, unless a 90 day extension is submitted by the applicant and received no later than June 12, 1997.

8. Baker Act 537 Revision - The Planning Commission unanimously approved a motion to recommend an Act 537 revision for the Baker Subdivision, which follows "Pursuant to the order of the Pennsylvania Environmental Hearing Board issued December 4, 1996, public sewer connection with the appropriate water and sewer authority shall be allowed to tax parcel #15-1-162."

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-18 to revise the Township Sewage Facility plan in order to address the Pennsylvania Environmental Hearing Board order to permit the public sewer connection to tax parcel #15-1-162 from the appropriate water and sewer authority that services the area, for the Baker Subdivision, as specified in the Planning Commission's motion.**

H. ENGINEERING - Mr. Mike Russek, Township Engineer's Office -

1. Quiet Acres Mobile Home Park - This issue was discussed earlier this evening.

2. Nickel Land Development - The maintenance period has been successfully completed for this land development located on Rt. 309. The maintenance period expires on May 31, 1997. Mr. Russek recommended release of the remaining escrow funds less any outstanding Township costs.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the successful completion of the maintenance period for the Nickel Land Development and release of the remaining escrow funds held by the Township.

3. Jager Subdivision - A request has been received from Mr. Adolph Jager regarding his 4 lot subdivision located along Diamond Street. Mr. Jager is requesting a one year extension to the development agreement. A letter of credit has been extended for the project. Mr. Russek noted outstanding improvements include installation of street trees and driveway entrances.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to extend the maintenance agreement for the Jager Subdivision for one year.

I. LINENS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mr. John Snyder wished to bring to the Board's attention that children have been playing organized street hockey on the parking lot at the Hilltown Civic Park. Mr. Snyder believes this is a potential safety hazard and insurance liability.

2. Mr. Charles Grasse, candidate for Township Supervisor, thanked everyone involved in his campaign for their support and hard work. Mr. Snyder, campaign manager for Mr. Grasse, also wished to thank the Township staff for their cooperation and helpfulness throughout the campaign.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington advised that discussion has taken place concerning the loss of water from quarry use and how the Township could best preserve and/or recycle that water. The Supervisors have decided to form a Quarry Liaison Committee

consisting of Supervisor Fox, Mr. Bruce Horrocks, Mr. Jim Groff, and Mr. John Bender (or an alternate from the Hilltown Township Water and Sewer Authority) to meet with representatives of the quarry as soon as possible in order to address the issue of saving the water that is being lost.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to establish a Quarry Liaison Committee, as specified above.

2. Previously, Supervisor Bennington had suggested that the Zoning Ordinance be revised to allow for motion picture theaters in the PC-I Zoning District as a conditional use, rather than a special exception.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Manager to prepare draft revisions to the Zoning Ordinance to allow for motion picture theaters in the PC-I Zoning District as a conditional use, rather than as a special exception, and to forward this revision to the Bucks County Planning Commission and the Hilltown Township Planning Commission for review, and to advertise for a Public Hearing to consider the adoption of this revision to the Zoning Ordinance.

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

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

M. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the May 27, 1997 Board of Supervisors meeting was adjourned at 10:00PM.

Respectfully submitted,



Lynda Seimes
Township Secretary