

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, March 24, 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 7:39PM and opened with the Pledge of Allegiance.

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

A. APPROVAL OF MINUTES: Action on the minutes of the February 24, 1997 Board of Supervisors Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 24, 1997 Board of Supervisors meeting, as written.

Action on the minutes of the March 10, 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 March 10, 1997 Board of Supervisors Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated March 25, 1997, with General Fund payments in the amount of \$20,224.72, State Highway Aid payments in the amount of \$2,801.02, and Escrow Fund payments in the amount of \$4,835.71; for a grant total of all funds in the amount of \$27,861.45.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated March 25, 1997, subject to audit.

C. CONFIRMED APPOINTMENTS/PUBLIC COMMENT:

1. Mr. Daniel Shannon - Longacre Sketch Plan - Mr. Dan Shannon, a partner in the firm of Trefoil Properties of Lansdale, was in attendance to present a sketch plan of the property referred to as the Longacre Tract. The site consists of approximately 50 acres, and is located on Rt. 113. A small portion of the site is located in the CR-II Zoning District, with the majority of the site located in the RR Zoning District. The proposal is for 31 single family dwellings, with minimum lot sizes of 50,000 square feet. Mr. Shannon advised there is public sewer located across the street, within the confines of the Calvary Church property. The applicant discussed the possibility of obtaining an easement from Calvary Church in order to connect to public sewer. The applicant

also appeared before the Telford Borough Authority to discuss sewer capacity. At present, there is very limited capacity available from the Pennridge Treatment Plant, however there is a formula established by the Department of Environmental Protection whereby the developer could, if they were to improve and repair the infiltration systems of a certain number of manholes (3.2 manholes) for each EDU, reach the number of EDU's projected. Further, Mr. Shannon met with the manager of the Hilltown Authority, Mr. Jim Groff, to discuss this issue.

Supervisor Bennington noted the development is proposed for the Rural Residential Zoning District, where Hilltown Township does not permit the extension of public sewers. Mr. Shannon realizes that, however he hopes to discuss any alternatives to develop that property. Chairman Bennett commented it is rather unusual for a proposal to come before the Board of Supervisors without first appearing before the Planning Commission. If Hilltown Township were to extend the sewers into the RR Zoning District, Supervisor Fox advised the Zoning Ordinance would have to be revised. Further, this site is located in the Telford Borough Authority service district, not the Hilltown Township Authority service district. Supervisor Fox explained the only way for the applicant to develop this parcel is to propose on-site sewer systems for each single family dwelling. Other suggestions would include a spray irrigation system, package treatment plant, or to place soils on the site for four years, as permitted by the Bucks County Board of Health.

Mr. Shannon advised a portion of this property is currently zoned CR-II, and the developer could request that Hilltown Township change the zoning of the remainder of this site from RR to CR-II. Mr. Wynn was present at the Telford Borough Authority meeting when the applicant made his presentation, and Mr. Shannon was told that capacity could be obtained.

The Board of Supervisors directed Mr. Shannon to appear before the Hilltown Township Planning Commission.

2. Mr. David Servin - Rovin Restaurant Request - Mr. Servin has appeared before the Zoning Hearing Board, who ruled against the applicant and they are now in appeal with the Court of Common Pleas of Bucks County. Mr. Servin is present in the hopes of reaching an out-of-court settlement with the Township. The site is located at 3 and 9 Hilltown Pike. The property at 3 Hilltown Pike is leased from Sun Oil Company and the property at 9 Hilltown Pike is the location of the Hilltown Fire Company, of which the applicant leases the rear portion of the building. There is a common boundary between those two parcels. The existing building on the Sun Oil property is located 14 feet from the boundary line. Since the 1950's, Mr. Servin noted the 14 feet of space has been

continuously used for outside storage of storage sheds and equipment - first by U.P.S. and most recently by Rovin Restaurants. Mr. Servin had placed a 10 ft. by 10 ft. sectional refrigerator in that 14 ft. space, which is made up of wall units which screw together, with its own floor and ceiling. In an effort to make the refrigerator unit more aesthetically pleasing, Mr. Servin poured a cement slab for the unit to sit upon, added siding and a roof, and landscaped the surrounding area. Once it was complete, Mr. Servin believes the structure appeared too much like an integral part of the building. Mr. Servin presented photographs of the unit for the Board's review. Mr. Servin commented the refrigerator unit has allowed the applicant to have product flow from their kitchen in the firehouse through to their building on the neighboring site. Mr. Servin noted the shell constructed around the refrigerator unit is three sided and is proposed to be removed when the applicant vacates their present location.

After the refrigerator unit was placed on the site, Mr. Nace, the Zoning Officer at the time, told the applicant that it must be removed. This decision was appealed by the applicant to the Zoning Hearing Board, who ruled against it. It is Mr. Servin's opinion that the appeal would have already been heard at the Court of Common Pleas level if there were not extensive errors in the Zoning Hearing transcript. Mr. Servin presented numerous witnesses and documents to the Zoning Hearing Board, along with the expert testimony of Mr. Bob Showalter of Showalter Associates. Mr. Servin stated their neighbor, the Hilltown Fire Company, supports them in this matter, and they also submitted a document to the Zoning Hearing Board to that effect. Mr. Nace, the prior Zoning Officer, testified that the disputed refrigerator was "very nice" and that the site work was done in an appropriate fashion. According to Mr. Servin, this refrigerator unit is part of his business and when he moves from the present location, it will be moved as well. The applicant has received notification from Sun Oil, their landlord, advising that they will be demolishing the present building as part of a future commercial development. Rovin Restaurants is presently on a month-to-month lease, and will eventually be evicted with 60 days notice. The applicant is actively seeking a new building to relocate their operation.

Mr. Servin believes the appeal process would cost both his company and Hilltown Township a great deal of money to pursue. Mr. Servin feels he will likely have vacated this present location before the legal process would take it's course, therefore making the entire exercise a waste of time and money for all involved. Mr. Servin would be willing to set a time limit for vacating the premises in order to make the Supervisors comfortable with settling this matter. Mr. Servin assured the Board that there have been no complaints from neighbors concerning the refrigerator unit.

Solicitor Grabowski noted the Supervisors are aware of what took place at the Zoning Hearing Board through the transcript of that hearing. Mr. Servin's attorney and Solicitor Grabowski have been in correspondence regarding the applicant's request for an extension of time. Solicitor Grabowski explained the issue involves an addition to a building which encroaches into the setback area. The applicant's attorney wrote to the Township on December 2, 1996, advising that Rovin Restaurants is under a month-to-month lease with Sun Oil Company, and requesting a one year extension from December, 1996 to vacate the premises. The Township, via correspondence dated February of 1997, was agreeable to a 45 day extension, until April 15, 1997, to remove the refrigerator unit. No response was received from the applicant's attorney. Solicitor Grabowski asked how long of an extension Mr. Servin is requesting. Mr. Servin is requesting an extension of the duration of his tenancy to allow the refrigeration unit to remain. Solicitor Grabowski asked if the applicant is withdrawing the offer to remove the addition by December of 1997. Mr. Servin would be happy to accept that deadline if that is what is being offered by the Board of Supervisors. Solicitor Grabowski reminded Mr. Servin that the Board of Supervisors offered a deadline date of April 15, 1997, and asked if that date was acceptable. Mr. Servin feels it would cost him a significant amount of money to work around that date, and it would present possible safety factors for his employees as well. If the date of April 15, 1997 is imposed, Mr. Servin would be forced to continue with the appeal process.

Supervisor Bennington asked if the applicant has been actively seeking a relocation site since the December 2, 1996 letter was received by the Township. Mr. Servin replied that he has. It is Chairman Bennett's personal opinion to extend the deadline until June 30, 1997. Mr. Servin believes a deadline of June 30, 1997 would allow him compliance time to relocate the refrigerator unit to another site on the property, however the cost to accomplish that may be more than the continuation of the appeal process. Discussion took place.

It is Mr. Servin's interpretation of the Zoning Hearing Board's decision that the outside storage area was considered a non-conforming structure. Even though "outside storage" is not a structure, the Zoning Ordinance considered it a location of a use. Mr. Servin believes the Zoning Hearing Board was viewing the issue more as a conceptual matter as to what the regulations would mean as a matter of public policy in the Township. Mr. Servin is willing to concede all of those policy issues, if the Township is willing to allow the applicant the ability to use the site during their tenancy. When the applicant vacates the site, Mr. Servin noted all the public policy issues for the Township will disappear.

If the Township were to grant the applicant an extension until June 30, 1997, Supervisor Bennington asked if Mr. Servin would be willing to sign a statement that Rovin Restaurants will vacate the premises by June 30th and withdraw the appeal to the Zoning Hearing Board decision. Mr. Servin would not be willing to do that, and feels Supervisor Bennington may have misunderstood his earlier statements.

Supervisor Fox stated Hilltown Township has Ordinances which are the laws that most residents follow. Mr. Servin has constructed a building around some equipment without permits, which is encroaching into the setback area, according to the Hilltown Township Zoning Ordinance. Unfortunately, the residents of this Township are paying to defend and enforce regulations in the Zoning Ordinance, which troubles Supervisor Fox. Supervisor Fox reminded Mr. Servin that each day from the time of the Zoning Hearing Board ruling is considered a separate fine. If the Township is successful in defending the appeal, it will cost Mr. Servin a great deal of money, possibly as much as \$500.00 per day. Supervisor Fox would be agreeable to extending the deadline until June 30, 1997, with the caveat that the applicant pay the legal and administrative costs to the Township. Mr. Servin disagreed with Supervisor Fox's interpretation, stating the applicant simply utilized the property as it had been used in the past.

Mr. Servin is willing to physically remove the structure that the Township considers a "building," so that what remained was merely a refrigeration unit. Mr. Servin feels this would be an eyesore for the Township and would not be something people would enjoy seeing from the roadway. Mr. Servin believes he went out of his way to make this structure aesthetically pleasing because of the fact that he lives and works in Hilltown Township. Supervisor Fox asked how long Rovin Restaurants has been operating from that location. Mr. Servin replied the company has been at that location since 1968. Supervisor Fox advised the Zoning Ordinance precluded outside storage or buildings being construction in a buffer area from 5 ft. to 15 ft. since 1959. Therefore, the applicant has been in violation since 1968. Mr. Servin stated he provided testimony and continuity on the outside storage use prior to the first Zoning Ordinance in 1959 to the Zoning Hearing Board. Mr. Servin suggested that a deadline of one year from today would allow enough time to relocate his business.

Supervisor Bennington commented he does not take kindly to threats from anyone. The applicant lost the Zoning Hearing Board decision and does have the right to appeal. Mr. Servin's attorney has sent correspondence suggesting a compromise, which the Board has tried to accommodate, yet Mr. Servin is not willing to compromise. Therefore, Supervisor Bennington feels the appeal process for Rovin Restaurants should continue, allowing the judge to make a decision

on the matter.

Solicitor Grabowski suggested Mr. Servin speak with his attorney, giving serious consideration to the June 30, 1997 deadline as a compromise in the matter. Solicitor Grabowski believes the applicant is correct in that there will be a great deal of money spent. The Supervisors have read the Zoning Hearing Board decision, and they happen to agree with it.

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

1. Bid Awards - Three bids were advertised, received and opened at 2:00PM this afternoon. Bid results are as follows:

Bid #97-1 - ID-2 Wearing/Binder:

M & M Stone - \$22.45/ton - ID2 Wearing
\$20.00/ton - ID2 Binder

H & K Materials - \$22.50/ton - ID2 Wearing
\$20.20/ton - ID2 Binder

Mr. Horrocks reminded the Board that with aggregate and stone bids, there is a qualifier allowing the Township to adjust the bidder's unit price by \$.50 per ton per mile for pick up of material. Mr. Horrocks explained the mileage is 2.5 miles to H & K Materials and 7.5 miles to M & M Stone. At \$.50 per mile, the Township must add \$2.50 per ton for both ID Wearing and ID2 Binder from M & M Stone. Mr. Horrocks recommended that Bid #97-1 be awarded to H & K Materials at the quoted prices specified above. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from H & K Materials for Bid #97-1 ID2 Wearing and Binder in the amounts of \$22.50/Ton for ID2 Wearing and \$20.20/Ton for ID2 Binder.

Bid #97-2 Aggregate:

M & M Stone - \$15,450.00 Total
- 1B - \$6.95/Ton
- 2A - \$4.60/Ton
- 2 - \$6.25/Ton
- 3A - \$5.25/Ton
- 4 - \$5.25/Ton
- 5 - \$5.00/Ton
- Surge - \$5.50/Ton

H & K Materials - \$17,225.00 Total
- 1B - \$7.30/Ton
- 2A - \$4.75/Ton
- 2 - \$7.30/Ton
- 3A - \$5.40/Ton
- 4 - \$5.20/Ton
- 5 - \$5.20/Ton
- Surge - \$5.40/Ton

Mr. Horrocks advised there is approximately 3,000 tons of varied sizes of stone involved in this bid. The qualifier as noted in the ID2 Wearing and Binder bid applies to the Aggregate bid as well. Mr. Horrocks recommended that Bid #97-2 for Aggregate be awarded to H & K Materials at the prices specified above.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from H & K Materials for Bid #97-2 Aggregate in the total amount of \$17,225.00.

Bid #97-3 Trackless Municipal Tractor with Boom Flail Mower and 70" Snow Blower:

U.S. Municipal Supply - \$78,107.00

The mower is self enclosed which will allow roadway edges to be mowed on a 12 month basis, and includes a snow blower attachment. Approximately half of the estimated \$80,000.00 price has been budgeted in the Liquid Fuels account for 1997, and the remaining half was budgeted in the Public Works Capital Improvements budget.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from U.S. Municipal Supply for Bid #97-3 for the Trackless Municipal Tractor with Boom Flail Mower and 70" Snow Blower in the amount of \$78,107.00.

2. Mr. Horrocks presented four Escrow Releases for the Board's consideration, all four of which are bank held letters of credit:

Bricks Villa Phase I	Voucher #28	\$ 195.80
Country Roads Phase II	Voucher #31	\$ 302.14
Country Roads Phases III & IV	Voucher #20	\$ 2,656.22
Hilltown Hunt Subdivision	Voucher #24	\$ 579.06

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

3. Mr. Horrocks requested Board authorization to advertise an amendment to the Zoning Ordinance dealing with decks on multi-

family attached dwellings. Mr. Horrocks suggested the proposed amendment be forwarded to the Bucks County Planning Commission for review and that the amendment be advertised for a Public Hearing to be held on Monday, April 14, 1997 at the regularly scheduled Worksession meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the advertisement of a Public Hearing to be held on Monday, April 14, 1997 at 8:00PM for the possible adoption of the proposed Zoning Ordinance amendment with regard to decks on multi-family attached dwellings, and for the proposed amendment to be forwarded to the Bucks County Planning Commission for review.

4. Mr. Horrocks presented a list of individuals interested in participating on the Open Space Committee:

Timothy Browning	Nick Lupinacci
Charles Moyer	Denise Hermany
Henry Rosenberger	Maureen Purcell
Charles Grasse	Ken Beer
William Lewis	Alternates: John Bender
	Phil Bargione

Chairman Bennett advised Mr. Horrocks would be the coordinator of the Hilltown Township Open Space Committee.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to appoint the above named individuals to the Hilltown Township Open Space Committee.

5. Mr. Horrocks presented a lease agreement between Hilltown Township and the Hilltown Township Water and Sewer Authority for placement of a water tank on Township property. Solicitor Grabowski advised the proposed lease is for a period of 75 years, which is the estimated life span of the water tank. Supervisor Bennington does not agree with a 75 year lease, and suggested a 20 year lease would be more appropriate. Discussion took place. Solicitor Grabowski suggested the Board consider a motion to approve this lease agreement, with the condition that an additional paragraph be included stating that the lease can not be assigned to anyone else, other than the Hilltown Township Water and Sewer Authority. Supervisor Bennington agreed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to execute the lease agreement with the Hilltown Township Water and Sewer Authority for the placement of a water tank on Township property, with the inclusion of an addendum specifying that the lease can not be assigned to any other Authority and other considerations.

6. Condition diagrams have been received for the traffic signal at the Callowhill Road and Rt. 113 intersection. Because the Township anticipates that this bid will require prevailing wage, Mr. Horrocks is seeking Board authorization to direct the Township Engineer to begin preparation of the bid and specifications for the traffic signal.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the Township Engineer to prepare the bid and specifications for the Rt. 113 and Callowhill Road traffic signal and to authorize the bid.

7. A Zoning Hearing will be held on April 17, 1997 for the application of the Silverman Family Partnership located on Rt. 313. Mr. Horrocks asked if the Board would like Solicitor Grabowski to be present to represent the Township at this Zoning Hearing.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to authorize the Township Solicitor to represent the Township at the Silverman Family Partnership Zoning Hearing to be held on Thursday, April 17, 1997.

8. Mr. Horrocks presented recommendation #97-2 from the Park and Recreation Board suggesting that a representative of that board be invited to participate in discussions between the Board of Supervisors and the Hilltown Authority regarding the water tank.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept recommendation #97-2 from the Park and Recreation Board, as specified above.

9. Correspondence has been received from Mr. Michael O'Neil, who is the tenant of a property owned by Mr. and Mrs. Richard Beam of 126 Orchard Road. The Board may recall that in October of 1996, Mr. and Mrs. Beam appeared before the Board of Supervisors to discuss their tenant, Mr. O'Neil, against whom a complaint had been filed by a neighboring property owner. The tenant has requested that the Board of Supervisors extend the April 1, 1997 deadline to July 1, 1997, to move from the illegal apartment located at 126 Orchard Road.

Motion was made by Supervisor Fox, and seconded by Chairman Bennett to allow the tenant of 126 Orchard Road, Mr. Michael O'Neil, to remain in that apartment until July 1, 1997. Supervisor Bennington was opposed. Motion passed.

10. Correspondence has been received from the Hilltown Township Water and Sewer Authority, as well as from the Bucks County Health Department regarding sewage system malfunctions on Cherry Road and Clearview Road. The Authority anticipates that

public sewer expansion may be cost prohibitive at this time. Therefore, Mr. Horrocks requested that the Board authorize the Township Engineer and the Township Manager to schedule a meeting with the Authority Manager and the Authority Engineer to review alternative options that might be available to this area.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize a meeting between the Township Engineer and Manager, and the Authority Manager and Engineer in order to discuss alternative options for the Cherry Road/Clearview Road sewage system malfunctions.

E. CORRESPONDENCE:

1. Correspondence has been received from Nextel Communications advising they have reconsidered their Conditional Use application. The applicant has determined that they can mount the antennae on the existing 130 ft. tower without any height expansion. Mr. Horrocks explained that Nextel Communications is no longer required to obtain a zoning variance since the setback requirements of the 130 ft. tower is permitted within the Zoning Ordinance.

Supervisor Bennington suggested the continued Conditional Use Hearing for Nextel Communications be scheduled following the April 14, 1997 Worksession meeting at 8:30PM. The Board was in agreement. Mr. Horrocks will advertise this Conditional Use Hearing.

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

1. Solicitor Grabowski advised the last Pileggi Zoning Hearing lasted three hours and did not conclude. There was indication that the applicant was satisfied with the testimony he submitted to the Zoning Hearing Board at that time. It was determined that the applicant would then submit his proposed findings of fact and conclusions of law to the Zoning Hearing Board Solicitor, and that the Township would also do so. That has occurred, however the applicant has now decided that he wishes to provide additional evidence which will require another hearing before the Zoning Hearing Board. As a result, the Township will provide additional evidence as well. Solicitor Grabowski noted a hearing was tentatively scheduled for March 20, 1997, which has been continued to a tentative date of May 1, 1997.

2. At the last meeting, Solicitor Grabowski reported on the Santos Subdivision appeal. A conference was held before Judge Biehn and the parties involved included the attorneys representing Mr. and Mrs. Santos, and Dr. and Mrs. Azarik concerning the private

easement issue. The judge had two choices - either to hold a hearing of his own to hear testimony regarding the matter or to remand the matter back to Hilltown Township to take testimony. Judge Biehn is remanding the matter back to Hilltown Township. The question remains as to whether this matter should go before the Board of Supervisors or before the Zoning Hearing Board. Solicitor Grabowski feels the matter should be remanded to the Board of Supervisors. The Township's position at the conference was to suggest that the costs for a court stenographer and legal representation should be imposed upon either the applicant, the plaintiff, or both. No response has been received to date.

3. With regard to the ongoing matter involving the Ludlow family over construction of a dwelling on Rickert Road without permits, Solicitor Grabowski advised Mr. Ludlow has filed a second amended answer and new matter, and the Township has again filed preliminary objections to that.

4. Solicitor Grabowski attended the Hilltown Township Planning Commission Worksession last month and felt it went very well. Discussion took place concerning the possibility of certain amendments to the Zoning Ordinance with regard to sign provisions, water provisions, and the possibility of amendments regarding the issue of cellular telecommunication facilities. Solicitor Grabowski will be attending the next Planning Commission worksession meeting as well.

Chairman Bennett spoke with Representative Druce last week to question his knowledge of cellular telecommunication facilities, advising the Township is concerned about the proliferation of these towers. There are presently five towers located in Hilltown Township, with more applications being received regularly. In lieu of more towers, Chairman Bennett would like to see if the Township can provide language in the agreements allowing for competitors to place their antennas on existing towers. Representative Druce promised to respond to Chairman Bennett's request in the near future.

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

1. A & T Chevrolet - Mr. Wynn forwarded a copy of the sketch plan for this proposal to the Board of Supervisors, which had been presented to the Planning Commission by Mr. Bruce Allen of A & T Chevrolet at their last meeting. The site is located at Highland Park Road and Bethlehem Pike, and is divided by the Township boundary with West Rockhill Township. The existing building is divided by the Township boundary as well. Mr. Allen requested a waiver of land development for a proposed 10 ft. by 10 ft. paint mixing room to be added to the rear of the existing building. The applicant is also constructing an 8'6" X 18' room for equipment in

the rear of his building located within West Rockhill's borders, and has received a waiver of land development from West Rockhill Township at their meeting held on February 25, 1997.

The Planning Commission unanimously recommended waiver of land development submission for the proposed paint mixing room conditional upon Township receipt of an as-built plan upon construction of the building and compliance with all building code requirements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant a waiver of land development submission to A & T Chevrolet for the proposed paint mixing room, conditional upon Township receipt of an as-built plan upon construction of the building and compliance with all building code requirements.

2. Jerry's Auto Body - Mr. John McIlviane was at the Planning Commission meeting to request a waiver of land development submission for a proposed 3,970 sq. ft. addition to Jerry's Auto Body shop located on Bethlehem Pike south of Cherry Lane. Jerry's Auto Body was constructed pursuant to an approved land development plan in 1983, and a revised land development plan approved in 1991. The addition would extend the building to the front yard setback line.

The Planning Commission unanimously recommended approval of the land development submission waiver conditional upon Township receipt of an as-built plan upon completion of the building addition, and compliance with all building code requirements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant waiver of land development submission to Jerry's Auto Body, conditional upon Township receipt of an as-built plan upon completion of the building addition, and compliance with all building code requirements.

3. Bayne Tract Subdivision (Prel.) - Mr. Wynn advised a written extension until May 30, 1997 has been received from the applicant.

4. Alff Subdivision (Minor) - This minor subdivision is located on Minsi Trail, north of Rt. 113. The plan was unanimously recommended for denial by the Planning Commission unless a six month extension is granted by the applicant. The applicant was present at the Planning Commission meeting and indicated that an extension would be provided, as the Bucks County Health Department is requiring replacement of the existing septic system prior to planning module approval. Mr. Wynn advised a written six month extension has been received from the applicant.

5. Rosenberger Subdivision (Prel.) - Mr. Wynn advised a written 90 day extension has been received from the applicant.

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

1. Hilltown Hunt Retention Basin - The possibility of modifying and enlarging the Hilltown Hunt Subdivision retention basin was discussed with the developer last fall. The developer received a price quote for modifications which was outrageously high, and due to the lateness of the year, it was not an appropriate time to complete any basin re-grading. Mr. Wynn advised a preliminary walk-through has been done in the Hilltown Hunt Subdivision, and there are a number of outstanding issues, besides the retention basin, which still need to be completed. The developer is seeking additional prices for modifying the retention basin. Mr. Wynn's office has monitored the basin since October, 1996. The basin overflowed in January and October of 1996, and both times the outlet boxes were blocked - once with snow and ice, and once with leaves and debris. This has been a chronic problem and Mr. Wynn's office has opened those grates at least a dozen times since October of 1996. There is a design problem with using end inlets inside a retention basin, and the plan is to modify that to a more conventional structure so that the blockage problem does not continue to occur.

Supervisor Fox asked if there has been a change of ownership in the Hilltown Hunt Subdivision. Mr. Wynn explained several lots have been sold to a new developer, however the public improvements are still the responsibility of the original developer.

2. Country Roads Telegraph Road Bridge - Mr. Wynn advised the Telegraph Road bridge continues under construction. He is aware that the developer of Country Roads has reached their limit on building permits under the agreement. Mr. Wynn stated that the developer is waiting for the utility contractor to install the water line and stormsewer line before the road can be finished. It is Mr. Wynn's understanding that the developer had difficulties removing the prior contractor from the job. Work is expected to resume on the utilities next week. Mr. Wynn believes it will be the end of April, 1997 before the bridge is complete and Telegraph Road is reopened to through traffic.

3. Phinney Subdivision - Mr. Wynn advised the Phinney Subdivision is a final approved plan and the site is located on Bypass Road. The developer intends to begin construction of the public improvements at the site next week, including erosion control, construction of the detention basin, and required landscaping. Mr. Phinney intends to install the public improvements prior to plan recordation, which is an option under the Municipalities Planning Code and the Subdivision Ordinance.

Mr. Wynn advised Mr. Phinney that he is required to enter into an agreement with the Township and post a certain amount of security for the 18 month maintenance period once improvements have been installed.

I. LINENS FOR SIGNATURE:

1. Nyce (Re-date)

J. PUBLIC COMMENT:

1. Mr. Nick Lupinacci, chairman of the Park and Recreation Board, advised a resident requested permission to plant a tree at the Civic Park in memory of a family member. The resident has made arrangements with a landscaping contractor and is willing to work out details such as the size and type of tree that would be most appropriate for the setting. The Board was agreeable to this request. Supervisor Fox suggested the listing of approved trees in the Subdivision Ordinance be reviewed. The Park and Recreation Board will present two or three suggestions for type and location of the tree.

2. Due to the explosion of construction in the Township, Mr. John Gillespie suggested the Board consider appointing a representative from emergency services to the Planning Commission. Mr. Gillespie feels it is time to become proactive and believes emergency services should have input in the planning of Hilltown Township in order to provide a safe environment for residents. The Board agreed to consider Mr. Gillespie's request. Mr. Wynn noted plans are now routinely sent to the fire chiefs for review and comment. Discussion took place. Mr. Horrocks will take Mr. Gillespie's suggestion to the Fire Prevention Bureau at their next meeting in April.

3. Mr. Joe Witkowski of 528 Quarry Road, mentioned a condition that exists on the northwest corner of the intersection of Diamond Street and Highland Park Road. There is a large puddle which forms each time it snows or rains, and Mr. Witkowski suggested the hole be filled to avoid a dangerous situation. Mr. Horrocks and Mr. Buzby will inspect the site.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington commented correspondence has been received from PennDot advising they would like to turn back certain State roads to the municipality, offering to repair the roads and then pay the Township \$2,500.00 per mile each year for maintenance purposes. Supervisor Bennington would like residents to understand that the funds offered by PennDot will never cover the eventual cost of maintaining that roadway. Discussion took place.

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

M. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the March 24, 1997 meeting of the Hilltown Township Board of Supervisors was adjourned at 9:26PM.

Respectfully submitted,



Lynda Seimes
Township Secretary
