

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, January 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 7:35PM and opened with the Pledge of Allegiance.

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

A. PRESENTATIONS:

1. Officer John H. Thomas, Jr. - Chairman Bennett presented a Proclamation to Mrs. Tressa Thomas and her sons John and David, in honor of their beloved husband and father, Officer John H. Thomas Jr. whose tragic death left an unfilled void in the ranks of the Hilltown Township Police Department. A copy of that Proclamation is attached to these minutes.

Chief Egly presented an award in the memory of Officer John H. Thomas, Jr. issued by the American Police Hall of Fame Awards Committee. This award recognizes service and special deeds that merit the respect of the community and the law enforcement profession.

On behalf of the Awards Committee and Chief Egly, as a member of this organization since its inception, this award is a distinct honor, for which John's family and friends should be very proud.

The American Police Hall of Fame has been involved in this program to recognize community service and honor officers like John since 1960. In addition, this program reaches out to spotlight Officer Thomas's activities that reflected so well in Hilltown Township, thereby demonstrating John's success.

This organization is part of the National Association of Chief's of Police, who, for more than three decades, has carried out a program highlighting the good done by lawmen and citizens who assist police. Far too often, acts of service are not recognized, so it was with great pleasure and honor that Chief Egly issued this citation and distinguished service award on behalf of the American Police Hall of Fame to the family of Officer John H. Thomas, Jr..

Officer Francis Dilworth, president of the Hilltown Township Police Benevolent Association, thanked the Board of Supervisors for their effort to make this presentation to John's memory. Officer Dilworth also thanked those who contributed to the John H.

Thomas, Jr. Education Trust Fund which has been established for the future education of John's sons, David and John. Contributions to date approach \$15,000.00, which Officer Dilworth feels is a representation of the community's recognition of John's service to Hilltown Township. Further contributions will be gratefully accepted.

On behalf of the Board of Supervisors, Chairman Bennett expressed his appreciation for the attendance of every member of the Hilltown Township Police Department this evening. Chairman Bennett recognized that this was a very difficult moment for many in attendance, and therefore called a 5 minute recess for any of those wishing to leave the meeting. The meeting reconvened at approximately 8:00PM.

2. Mr. Martin Rogers - Mr. Robert H. Grunmeier, II, the chief of the Hilltown Township Volunteer Fire Company, presented an award of appreciation to a gentleman who assisted his neighbor during a house fire in November of 1996. On behalf of the Hilltown Township Fire Company, Mr. Grunmeier presented the Outstanding Citizen Award to Martin Rogers, whose efforts helped others in a time of need. Mr. Grunmeier thanked Mr. Rogers for his assistance, which in turn made the fire company's job a great deal easier.

Mr. Rogers commented he was glad to help his neighbor that day, and expressed his appreciation for all of the volunteer fire fighters of Hilltown Township for their efforts over the years.

Chairman Bennett commented Hilltown Township employs approximately 28 individuals, with 35 volunteers serving on various boards and committees. Chairman Bennett stated the Township employees could not do their job without the support of those volunteers who give so freely of their time. In addition, seven volunteer fire companies provide fire protection for various sections of Hilltown Township. Chairman Bennett took this opportunity to thank all of the volunteers who work closely with Hilltown Township.

B. APPROVAL OF MINUTES: Action on the minutes of the December 23, 1996 Board of Supervisors Meeting - Supervisor Fox noted the following corrections:

- pg. 10, second paragraph, the following sentence should be deleted: "Supervisor Fox suggested Mr. Pileggi select one of the three firms, and then the Township will hire that firm to investigate."

- pg. 18, fourth paragraph is a motion by Supervisor Bennington to authorize the Township Solicitor to review recommendations of the Bucks County Planning Commission in order to revise the Sign Ordinance. Supervisor Fox feels that motion was

incorrect and believes that Supervisor Bennington actually made a motion to request that the Bucks County Planning Commission re-write Hilltown Township's Sign Ordinance. Supervisor Bennington strongly disagreed, explaining that many months ago he had suggested the Sign Ordinance be reviewed by the Bucks County Planning Commission. Further, at the last meeting, Supervisor Bennington directed the Township Solicitor to draft a new Sign Ordinance revision to forward back to the Bucks County Planning Commission for further review. Supervisor Fox disagreed. Chairman Bennett suggested the audio tape of the December 23, 1997 meeting be reviewed by the Board of Supervisors for clarification.

Motion was made by Supervisor Fox to approve the minutes of the December 23, 1997 Supervisor's meeting, with the corrections as specified. Supervisor Bennington refused to second Supervisor Fox's motion since he disagreed with his last correction, and advised the minutes would be tabled subject to review of the December 23, 1997 meeting audio tape by the Board of Supervisors.

Action on the minutes of the January 6, 1997 Supervisors Annual Organization Meeting - Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 6, 1997 Supervisors Annual Organization Meeting, as written.

Mr. Horrocks advised the 1996 audit is basically complete. One of the items mentioned by the auditors, which was announced at the Reorganization meeting, was that the Board of Supervisors met in Executive Session on December 30, 1997 to discuss financial issues. The auditor has requested that the Board of Supervisors expound on that explanation at a public meeting.

Chairman Bennett announced the Board of Supervisors met in Executive Session on December 30, 1997 to approve the transfer of approximately \$76,000.00 from the Capital Improvement Fund to reimburse the General Fund for the cost of the maintenance buildings to the rear of the municipal building.

C. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated January 28, 1997 with General Fund payments in the amount of \$148,540.36, State Highway Aid payments in the amount of \$8,358.98, and Escrow Fund payments in the amount of \$291.23; for a grand total of all funds in the amount of \$157,190.57.

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

D. CONFIRMED APPOINTMENTS/PUBLIC COMMENTS:

1. Ms. Mary Doughty - Water Storage Tank - Ms. Mary Doughty of 915 Rt. 152 was in attendance to discuss the matter of the proposed water storage tank. Ms. Doughty quoted an article from the January 8, 1997 edition of the Perkasie News Herald which states "Hilltown Township Supervisors Monday night unanimously voted to build the controversial water tower proposed by the Township's Water and Sewer Authority at the Philadelphia Gliderport off of Rt. 152." Ms. Doughty resides across Rt. 152 from the Gliderport property, and is very concerned. The water tank is proposed to be constructed in a line of trees approximately 100 ft. south of Shirley Lane, 100 ft. north of the Gliderport driveway, and 25 ft. in. The water tank is proposed at a height of approximately 80 ft. to 85 ft., with a diameter of approximately 45 ft. which is to be hidden by the existing trees. Ms. Doughty questioned why the water tank, originally proposed to be constructed on Township property at the park, is now being proposed on private property. Ms. Doughty believes the water tank will drastically lower her property value. Ms. Doughty was informed that the feed into the water tank would come from three different well locations, one of which is located on Rt. 152 near Silverdale Borough. Ms. Doughty was told that the line would be fed into the tank and then gravity would allow the water to flow out during the daytime. Ms. Doughty is aware that the elevation near her home is higher than at most places in the Township, however she also knows the park site is at an even higher elevation, as is the area of Hilltown Village itself, where elevations are higher still. If a water tank is proposed to be constructed, Ms. Doughty feels it should be located at the highest possible elevation, otherwise in order to backfeed, it will have to be electrically powered to flow back up the hill.

Further, Ms. Doughty wondered how F.A.A. regulations would affect the placement of the tank on Gliderport property. One of Mrs. Doughty's neighbors discovered that the Philadelphia Gliderport is a registered Gliderport not an independent, which therefore must adhere to F.A.A. rules and regulations. As a homeowner, Ms. Doughty is also very concerned about her water supply, since her well is relatively shallow.

Chairman Bennett advised this matter is a very difficult issue. The Hilltown Township Water and Sewer Authority has been searching for an ideal site for approximately 18 months. To be effective, the water tank must be placed at a high elevation. Part of the Authority's responsibilities is to anticipate problems, and they anticipate serious water shortages in the Hilltown Village area within the foreseeable future.

Mr. Jim Groff, manager of the Hilltown Township Water and Sewer Authority, stated the two other wells mentioned by Ms. Doughty are located on South Perkasie Road, very close to its intersection with

Moyer Road, and the other well is located in the rear of the Pleasant Meadows Subdivision, off Orchard Road. Those two wells, along with the well located on Rt. 152, will be used to fill the water tank. Obviously, any time there is a drought situation, pumping from any well, private or municipal, can have a detrimental affect on neighboring wells. Mr. Groff explained the proposed water tank would not promote any more pumping from the three municipal wells. No future wells will be drilled in the Hilltown Village area. Mr. Groff noted the water tank dimensions as provided by Ms. Doughty are correct. According to Mr. Fitzpatrick, president of the Philadelphia Glider Council, a meeting of the Glider Council was held this past Saturday, at which time five representatives were appointed to discuss and negotiate this matter with the Hilltown Authority within approximately 1 1/2 months. Mr. Groff invited any residents who have further questions to contact his office Monday through Friday from 8:00AM to 5:00PM.

Mrs. Eckert of Rt. 152 and Rickert Road is absolutely opposed to the construction of a one million gallon water tank on the Gliderport site. Mrs. Eckert believes the water tank will be an eyesore that she will be forced to view from her back window on a daily basis and feels her property value will decrease substantially due to its construction. Mrs. Eckert is concerned that a glider could crash into the water tank, which would cause a disaster that could flood the entire area. Mrs. Eckert asked the Board to consider construction of the water tank at another location, possibly behind the Civic Field Park or behind the Hilltown Fire Company substation.

Ms. Theresa O'Hara of Rickert Road is opposed to construction of the water tank due to aesthetics. Ms. O'Hara is also concerned about her property value decreasing and wondered if she would get a tax break if her property value drops. Further, Ms. O'Hara questioned the legality of placing a water tank on the Gliderport property with regard to F.A.A. regulations. Ms. O'Hara is also unhappy that her tax dollars will be used to purchase property from the Gliderport for construction of the water tank. Ms. O'Hara believes a better location for the water tank would be at the Civic Park, the Hilltown Fire Company property, or the Deep Run Athletic Fields.

Mr. Alan Moyer of Rickert Road questioned the need for a water tank, because he does not believe its construction would benefit him personally, since his home is serviced by a private well. Mr. Moyer's property faces the Gliderport and he feels a water tank would be an eyesore and a detriment to the community. It appears to Mr. Moyer that the Authority is attempting to force the issue of the water tank location on the Gliderport membership by not giving them an option for other possible locations. Mr. Moyer believes the Gliderport is a much better neighbor than a water tank



would ever be. Mr. Moyer suggested the water tank be constructed behind the municipal building because the tank will only benefit developments below this area, not a majority of the residents of Hilltown Township. Mr. Moyer also feels the Township should have used more planning with regard to development.

Mr. John Schade of 1020 Rickert Road is concerned about the aesthetics of the proposed water tank. In the past, the water tank was proposed at the fire company property, however that suggestion was abandoned because the Gliderport would have had to re-route a runway. While Mr. Schade feels the Gliderport organization is a good neighbor, yet he reminded the Board that the members do not live in Hilltown Township seven days a week. If the water tank is constructed on Gliderport property, the residents of Rickert Road will be forced to view this "monstrosity" on a daily basis. Mr. Schade commented construction of a water tank in this area will decrease property values and will be a hardship for area residents.

Mr. Groff explained the Authority Engineer is in the process of forwarding the proper forms to the State and the F.A.A. to insure there is no conflict with the existing glide paths. Upon preliminary review of the existing glide paths, it does not appear to the Authority Engineer that there is a conflict. With the permission of the Glider Council membership, Mr. Groff noted a survey crew investigated the site and determined that the existing trees are 75 to 80 ft. high in the area that the water tank is being proposed for.

Mr. Groff invited any interested parties to attend the next Hilltown Township Water and Sewer Authority that is scheduled for Wednesday, February 12, 1997 beginning at 7:30PM. Reports, engineering studies, and fire flows information will be available for public review.

The Authority has considered the site to the rear of the municipal building, however Mr. Groff noted there is engineering that does not make this the most suitable site for construction of the water tank.

Supervisor Bennington advised his first choice for location of the water tank was on the Hilltown Fire Company property, however he was told it could not go there due to the flight paths. Also, at that site, the height would have to be another 12 ft. higher due to elevation of the site. Further, Supervisor Bennington explained the monies involved to purchase property for construction of the water tank is not Township funds, it is Hilltown Township Water and Sewer Authority funds.

2. Mr. Edward Wild - Silverman Family Partnership Sketch Plan - Mr. Wild and Mr. Dave Sollan were in attendance to present

a sketch plan for a site located along Rt. 313, near the intersection of Rt. 113. The property contains approximately 4.5 acres and is located within the PC-2 Zoning District. The applicant has identified that parcel as a potential E-15 Specialty or Cultural Shopping Center. The Silverman Family Partnership owns several cultural specialty type shopping centers throughout the area, including Buckingham Green, a proposed shopping center on Cold Spring Creamery Road near Rt. 313, and the Fountainville Executive Center on Rt. 313 near Ferry Road. This proposal is for a series of small, retail shops that will be neighborhood oriented, and essentially owned and operated by the tenants.

Mr. Wild explained the sketch plan proposal does not exactly fit the model of the E-15 use, according to the Ordinance. The applicant is hoping to seek direction from the Supervisors in the expectation that they may be appearing before the Zoning Hearing Board for relief on certain specifications. The project calls for approximately 21,000 sq. ft. of retail space, with approximately twelve separate vendors, which are permissible uses for E-15. Also proposed at the end of the shopping center is a bank. Mr. Wild advised the E-15 use has a limitation that no store may be larger in size than 4,000 sq. ft.. It has been the applicant's experience with these types of shopping centers, that if a pharmacy is included, the size of that pharmacy would need to exceed the 4,000 sq. ft. limitation in order to make the shopping center viable. Another area the applicants would like some flexibility is for a medical or professional user, such as a dentist, an orthodontist, or a chiropractor. The applicant is hoping to include this type of tenant in the proposed shopping center. That use, however, is not permitted in the E-15 designation. Further, there does not appear to be availability of public water and sewer to the site. The applicant has conducted preliminary analysis of the property, which indicates there is sufficient water on site, and the preliminary soils analysis has identified an area on the corner of the site that would be sufficient for on-site septic services.

Mr. Dave Sollan presented an artist's rendition of what the completed shopping center would look like. Mr. Sollan envisions approximately 40 to 60 people being employed in the new shopping center which would be beneficial to the Township. Mr. Sollan explained the applicant would like to solicit a pharmacy for the site, primarily due to the lack of similar services in the Dublin area.

Supervisor Bennington asked why the applicant is specifying a Cultural Specialty Shopping Center, when the vendors proposed are basically arts and collectibles, and therefore do not fall into that particular classification. Mr. Wild replied the E-15 designation is a Specialty or Cultural Shopping Center, and he feels it is consistent with the PC-2 Zoning District, and fits

within the definition. An E-15 District calls for a mix of neighborhood owned and operated shops. Supervisor Bennington does not feel this proposal falls within the classification of a cultural shopping center. Mr. Wild stated it is true there are attributes about the use that are perhaps similar to an E-16 Shopping Center, however he feels the proposal is clearly not for a shopping center. Mr. Wild referred to the definition of E-15 Cultural Center in the Ordinance, and anticipates that the stores involved in this proposal would in fact be dealing with handicrafts, arts, flowers, household goods, boutiques, antiques, flea markets and the like. Supervisor Bennington does not agree that the shops proposed, including a bank, a pharmacy, and a medical office, fit the description of a cultural shopping center. Mr. Wild will take Supervisor Bennington's comments under advisement as the concept plan for this proposal is formulated.

Supervisor Fox commented the applicant must seek relief for a great deal of variances for this proposal. Pursuant to the Subdivision/Land Development Ordinance, Section 400, Supervisor Fox noted only one principal use is allowed on any piece of property in the PC-2 Zoning District. Some of those uses listed as "cultural" are not permitted in a PC-2 Zoning District. It is Mr. Wild's position that by allowing the E-15 use as a permissible use in the PC-2 Zoning District, by definition, the E-15 use has more than one user. In fact, Mr. Wild noted, the E-15 use states that shop sizes shall average no more than 1,500 sq. ft.. Therefore, in Mr. Wild's opinion, the E-15 center like the E-16 center in the PC-1 Zoning District, would have more than one user. Mr. Wild feels the integration of use is contemplated in either the definition of E-16 or the definition of E-15. Supervisor Fox does not feel that lives up to the spirit of the Ordinance and believes the applicant is attempting to circumvent the Ordinance.

Solicitor Grabowski commented the question as to whether or not this is an E-15 use is a question for the Zoning Officer. Depending on the Zoning Officer's ruling, the applicant may have to appeal to the Zoning Hearing Board to substantiate that answer.

3. Mr. Robert Blue - Kratz Subdivision Sketch Plan - This sketch plan has been before the Supervisors, the Planning Commission, and the Park and Recreation Board on several occasions. The site is the former Kratz Junkyard located on Summit Street. The Planning Commission had directed the applicant to revise the location of the open space area to the front of the site, which has been accomplished. The Board of Supervisors advised the applicant to appear before the Zoning Hearing Board to seek relief on any issues.



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

1. For the Board's consideration, Mr. Horrocks presented a series of fourteen Escrow Releases, three of which are cash held by the Township:

Bearings and Drives Unlimited	Voucher #02	\$	149.17
Bricks Villa Phase I	Voucher #27	\$	345.71
Bricks Villa Phase II	Voucher #08	\$	3,122.78
Country Roads Phases III & IV	Voucher #13	\$	1,672.87
Country Roads Phases III & IV	Voucher #14	\$	29,668.50
Country Roads Phases III & IV	Voucher #15	\$	45,109.80
Hilltown Crossings	Voucher #1A	\$	187.05
Hilltown Hunt Subdivision	Voucher #23	\$	208.76
Olesky Land Development	Voucher #03	\$	94.53
Olesky Land Development	Voucher #04	\$	1,876.77
Orchard Glen Subdivision	Voucher #02	\$	2,704.57
Quiet Acres	Voucher #1A	\$	428.39
Schade Tract Subdivision	Voucher #9A	\$	54.32
Waste Management of Indian Valley	Voucher #03	\$	472.66

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

2. Mr. Horrocks presented a request from the Planning Commission to change their worksession meetings from the first Monday of each month to the first Thursday of each month. This change has been advertised in a local newspaper.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-9, to revise Planning Commission Worksession meeting dates for the 1997 year.**

3. Mr. Horrocks reported on a cooperative planning meeting held on January 14, 1997 with the Pennridge School District and a number of area municipalities.

F. CORRESPONDENCE: None.

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

1. Solicitor Grabowski announced the Supervisors met in Executive Session prior to this meeting in order to discuss pending legal action.

2. The Pileggi Zoning Hearing held on January 16, 1997 has been continued to March 20, 1997 for either a request to submit additional testimony or to submit findings of fact and conclusions

of law. The deadline for doing so is March 6, 1997.

3. Solicitor Grabowski provided a status report concerning the Santos Subdivision. The Santos Subdivision is a minor subdivision located on the west side of the Hawk Ridge development. There were two issues involved, one of which was a private issue involving neighboring property owners. It has been determined that the Azarik's have won their quiet title action, which means they have received court determination that Mr. and Mrs. Santos can not use the easement as their driveway. As a result, the Azarik's are continuing pursuit of whether or not the subdivision should be allowed. This matter had been placed into abeyance approximately two years ago by the court until the private determination of the easement was determined. Since it has been determined, the parties involved have filed motions with the court to schedule a conference before a judge. The attorneys involved have filed arguments containing a great deal of factual information which was forwarded to the Township Engineer, who Solicitor Grabowski believes will be called to testify.

4. A Conditional Use Hearing is scheduled for Wednesday, January 29, 1997 at 7:30PM to hear the appeal of Sprint, who is requesting permission to place an antennae on one of the existing North Penn Water tanks located on Clearview Drive.

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

1. Pileggi Subdivision - Mr. Wynn explained the applicant is proposing the division of that portion of the property zoned PC-2 which contains the WaWa and other commercial businesses, from the balance of the tract, which is zoned Rural Residential and is vacant except for an agricultural use. This two lot subdivision is located at the intersection of Rt. 113 and Rt. 313, and was unanimously recommended for preliminary approval conditional upon the following being accomplished:

- Resolution of the status of right-of-way acquisition along Rt. 113 and Rt. 313 must be accomplished in a manner satisfactory to the Township.
- Wetland area of Lot #1 must be shown on the plan and certified in writing by DelVal Soil and Environmental Consultants, Inc. in accordance with their correspondence dated January 15, 1997.
- Trash and debris located on both Lots #1 and #2 must be removed in accordance with Section 502.7 of the Subdivision Ordinance and note #8 on the plan.

- An existing structure which is bisected by the proposed property line separating Lots #1 and #2 is shown on the plan to be removed. Same must be accomplished such that the subdivision does not create two (2) lots with a non-conforming structure (located within the required side yard setbacks).
- The "informal" access between the Hilltown Garden Center and adjacent TMP #15-29-61-2 is identified on the plan to be re-graded, re-seeded, and mulched. Same must be accomplished prior to final plan approval or guaranteed via execution of an escrow agreement.
- ~~Planning Modules must be approved by Hilltown Township, Bucks County Health Department, and PADEP unless a waiver is received from PADEP.~~
- Note must be added to the plan identifying the land development plan prepared for Joseph Pileggi by Showalter and Associates, sheet 1 of 1, dated August 30, 1985, latest revision date of October 25, 1985, under "referenced plans."
- Property monumentation as shown on the plan must be installed and certified in writing by the responsible surveyor prior to plan recordation.

This conditional preliminary plan approval by the Planning Commission includes a recommendation that all the above items must be accomplished prior to final plan approval unless they are weather related (and can be guaranteed via an escrow) or are requirements of outside agencies, in which case they must be accomplished before the plans are released for recordation.

With respect to the condition relating to right-of-way dedication of Rt. 113 and Rt. 313, Mr. Wynn noted the current plan identifies the right-of-way as an easement; however, he has reviewed documents and previous plans which shows that the right-of-way was actually dedicated fee simple with ownership by the Township. Mr. Semisch is not so concerned with whether the right-of-way was given fee simple to the Township or whether it is still owned by Mr. Pileggi. However, Mr. Semisch requested that the Board of Supervisors direct that the property belongs to Mr. Pileggi or will in the future, and that the Township has a right-of-way at that line in the Deed of Dedication. Mr. Semisch feels this is a fair compromise because the Township retains the right to widen Rt. 313 and Rt. 113 if it so desires, plus the Township benefits in that they will not have to maintain the property, will not be required to pay taxes on it, and will not be held liable if a lawsuit should somehow result.

Solicitor Grabowski has reviewed Township files and discovered that there is a recorded land development plan from 1992, signed by Mr. Pileggi and notarized, containing a note stating "The right-of-way of Rt. 113/Rt.313 is owned fee simple by Hilltown Township" as recorded in Deed Book 2840, page 168.

Mr. Semisch would like the Township to return the right-of-way to Mr. Pileggi. Mr. Semisch explained that if an easement was granted to the Township, Mr. Pileggi would be responsible for the maintenance of the property. If it remains fee simple, it is Mr. Semisch's opinion that the Township is responsible to maintain the property. Further, Mr. Semisch advised there are exemptions to the Township's immunity under the law. If the Township does not lose anything and does not gain anything, Supervisor Bennington is not opposed to re-conveying that land to Mr. Pileggi. If the Township desires to go back to an easement, Solicitor Grabowski stated a recorded document would be required to indicate that all prior land development plans, recorded subdivision plans, and all the notations which speak in terms of "fee simple" would have to be amended. Supervisor Bennington asked if there would be any cost to the Township involved, and Solicitor Grabowski replied that could be a condition to be placed upon any determination made by the Board. Mr. Semisch agreed that any costs involved would be borne by the applicant. It is Supervisor Fox's concern that if an easement is granted, rather than the current fee simple ownership, the Township will no longer have the right to use the right-of-way for any public purpose, not just roadway widening. Mr. Wynn assured the Board that the Township would still retain the right to use the right-of-way for any public purpose, including road widening, utilities, water and sewer services, etc..

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant conditional preliminary approval to the Pileggi Subdivision, with the conditions as specified by the Planning Commission, highlighting the fact that all the above items must be accomplished prior to final plan approval unless they are weather related or are requirements of outside agencies, and to highlight condition #1 regarding the conversion of fee simple back to easement of right-of-way with all costs for the conversion to be borne by the applicant.

2. Balco Subdivision - This minor subdivision is located on both Telegraph Road and Rt. 113. The plan was unanimously recommended for final plan approval by the Planning Commission, subject to the following being accomplished by the applicant:

- Reference to the previous Balco Subdivision plan including surveyor responsible for the plan, plan title, plan date, latest revision date, and recordation information including date of recordation, plan book, and

page number must be included on the plan.

- Right-of-way area along the frontage of Lot #2 must be offered for dedication to the Township as an easement and should be accepted in accordance with Section 506 of the Subdivision Ordinance.
- Concrete monuments must be installed at all changes in direction of property boundaries and at the intersection of the property boundary of Lot #2 and the ultimate right-of-way of Rt. 113 where monumentation (concrete monuments, iron pins, or stones) do not currently exist.
- Tax map parcel numbers for properties involved must be identified on the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Balco Subdivision, pending completion of the outstanding conditions as specified by the Planning Commission.

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

1. Schade Tract - Landscaping has been completed on the Schade Tract Subdivision and Mr. Wynn recommends a 10% reduction in the escrow with funds retained to June 1, 1997, to guarantee survival of plant material.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to reduce the escrow that had been defaulted in the letter of credit in 1995, minus 10%, for a total of \$2,512.00 for the Schade Tract Subdivision.

2. Tel Vil Subdivision - The 18 month maintenance period for this project has been successfully completed with the exception of the replacement of some dead street trees and straightening of other landscape plantings. Mr. Garis has provided the Township with a new letter of credit in the amount of \$1,500.00 to guarantee that these items will be completed in the spring when weather permits. Currently the letter of credit from Union National Bank contains \$32,278.16. Mr. Wynn recommends acceptance of the new letter of credit and release of the existing letter of credit.

Supervisor Fox asked if this means the Township will be responsible for snow removal in that development since the 18 month maintenance period is complete. Mr. Wynn replied the Township has been responsible for snow removal for that subdivision for over a year. The only development where that scenario is not followed is the Country Roads development, because an agreement was executed making the developer responsible for snow removal. In the Tel Vil



Subdivision and most other developments, however, snow removal by the Township begins at acceptance of the improvements. Supervisor Bennington asked if it would be possible for the Township to specify that the developer is responsible for snow removal during the 18 month maintenance period for future developments. Mr. Wynn explained the maintenance period is relative to the structural integrity and operation of improvements, however snow removal has traditionally been done by the Township as soon as roadways have been accepted, with the exception of the agreement that was executed with Country Roads. If a Township snow plow does damage to the road surface, Mr. Wynn noted the developer must repair it. Supervisor Bennington would prefer that the developer be responsible for snow plowing until the 18 month maintenance period is complete. If the Township owns the roads and a developer is responsible for snow plowing by agreement, Solicitor Grabowski explained if there is an accident or an emergency, the Township must insure that the developer, through an agreement for insurance coverage, is responsible to cover any type of foreseeable emergency. Mr. Wynn commented the Country Roads development is a bit unique, because it is a phased construction process. There are three active phases, though the roadways have been completed in only Phase I. Possibly in the future, an agreement should be executed where the developer is responsible for the cost of snow plowing done by the Township during the maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the new letter of credit for the Tel Vil Subdivision, and to release them from the existing letter of credit.

3. Olesky Land Development - This site is the used car dealership located on Bethlehem Pike, at the corner of Spur Road. The Township originally retained a \$2,200.00 cash escrow for the completion of improvements. To date, the remaining items, including evergreen plantings, stop bar, and stop sign have been installed on the site. Mr. Wynn recommends release of the balance of escrow funds in the amount of \$1,876.77.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release the balance of escrow funds for the Olesky Land Development.

4. Hilltown Crossings Outparcel - All improvements required by the Hilltown Crossing outparcel land development plan have been accomplished. Mr. Wynn recommends a reduction in the escrow to the 15% required for maintenance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend acceptance of the required improvements and commencement of the 18 month maintenance

period and to reduce the escrow to 15% for the Hilltown Crossings Outparcel.

For the Board's information, Mr. Wynn explained a new land development application for the Hilltown Crossings Outparcel was received last week for construction of a playland at the McDonald's Restaurant.

- J. LINENS FOR SIGNATURE:  
1. Crist Subdivision
- K. PUBLIC COMMENT: None.
- L. SUPERVISOR'S COMMENTS:

1. Supervisor Fox noted a great deal of zoning hearing applications have been submitted recently.

2. If the water tank is in fact constructed on the Gliderport property, Supervisor Bennington asked how tall the water tank is proposed at. Mr. Groff replied the proposed height of the water tank at that location would be 80 ft. tall. Supervisor Bennington asked the height of the existing trees at that location. Mr. Groff advised the existing trees are 75 ft. tall. In Supervisor Bennington's opinion, the argument made by neighboring residents this evening that the water tank will interfere with glider paths is ludicrous, because if height was the issue, gliders would have hit existing trees in past years. Discussion took place.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the January 27, 1997 Board of Supervisors meeting was adjourned at 9:40PM.

Respectfully submitted,

  
Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).



# PROCLAMATION

**WHEREAS,** Officer John H. Thomas, Jr. served with the Hilltown Township Police Department for thirteen years; and

**WHEREAS,** Officer Thomas epitomized the empathy and compassion which are such necessary attributes for a law enforcement professional; and

**WHEREAS,** the tragic death of Officer Thomas left an unfilled void in the ranks of the Hilltown Township Police Department; and

**WHEREAS,** the Hilltown Township Police Department is a better organization today for having had Officer Thomas serve in it's ranks.

**NOW, THEREFORE,** do we, the Hilltown Township Board of Supervisors hereby proclaim on this the 27<sup>th</sup> day of January, 1997 that BADGE #2 assigned to Officer John H. Thomas, Jr. IS HEREBY AND FOREVER MORE RETIRED from the ranks of the Hilltown Township Police Department.



*William H. Bennett, Jr.*  
 \_\_\_\_\_  
 William H. Bennett, Jr., Chairman

*Kenneth B. Bennington*  
 \_\_\_\_\_  
 Kenneth B. Bennington, Vice Chairman

*Jack C. Fox*  
 \_\_\_\_\_  
 Jack C. Fox, Supervisor

ATTEST:

*Bruce G. Horrocks*

\_\_\_\_\_  
 Bruce G. Horrocks, Township Manager