

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Tuesday, May 28, 1996
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors meeting was called to order by Chairman William H. Bennett, Jr. at 7:40PM 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
George C. Egly, Chief of Police
C. Robert Wynn, Township Engineer
Lynda Seimes, Township Secretary

A. APPROVAL OF MINUTES:

Action on clarification of page two of the Minutes of the March 11, 1996 Joint Meeting of the Supervisors and the Water and Sewer Authority - As mentioned at the last meeting, Supervisor Bennington noted all three Supervisors have listened to the tape of this portion of the March 11th meeting, and decided that what Supervisor Fox thought he said did not occur. Supervisor Fox would like to place an asterisk at the bottom of the page of these minutes for his own benefit indicating that he does not believe what occurred should have occurred. Supervisor Bennington commented he will approve these minutes without any changes as predicated by Supervisor Fox at the last meeting.

Supervisor Fox stated his question was never that the statements made were not said, his question was that the statements made and placed in the minutes were incorrect. The litany Supervisor Fox made after the Water and Sewer Authority Manager's claims during the March 11th meeting did not include this, though he thought it had. Supervisor Fox would like a note placed at the bottom of page two of the March 11th joint meeting minutes stating that the minutes of the April 22, 1996 meeting will contain a description and clarification of why the asterisk is there. The claims made by Mr. Groff at the March 11th meeting did not take place and the Supervisors have signed no documents, nor have they voted to give the Water and Sewer Authority anything in exchange for the \$25,000.00 they provided to the Township to get through the remainder of the year. The Authority representative had spoken of rental fees for the Comcast tower, of which Supervisor Fox explained the Township never gave them land to charge rent or for any other structures built behind the Township Building.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the clarification of page two of the Minutes of the March 11, 1996 Joint Meeting of the Supervisors and the Water and Sewer Authority, with the

clarification as noted above.

Action on the Minutes of the April 22, 1996 Supervisors Meeting -
Supervisor Bennington noted the following correction:

- pg. 5, second paragraph, first sentence, should read
"After **Heritage Building Group** purchased the property, they
reviewed the existing subdivision plan and the proposed subdivision
plan, and at no place on that plan does it show 10 acres set aside
for the Township or any requirement for such."

Motion was made by Supervisor Fox, seconded by Supervisor
Bennington, and carried unanimously to approve the minutes of the
April 22, 1996 Supervisors Meeting, as corrected.

Action on the Minutes of the May 13, 1996 Worksession Meeting -
Motion was made by Supervisor Fox, seconded by Supervisor
Bennington, and carried unanimously to approve the minutes of the
May 13, 1996 Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the
Bills List, dated May 29, 1996, with General Fund payments in the
amount of \$62,935.44, State Highway Aid payments in the amount of
\$5,126.00, and Escrow Fund payments in the amount of \$3,484.99;
for a grand total of all funds in the amount of \$71,546.43.

Chairman Bennett asked the status of this building being connected
to public sewer. Mr. Horrocks believes the connection will be made
next week. Chairman Bennett wondered when the light will be placed
on the Comcast Tower as promised. Mr. Horrocks is not certain,
however he will contact Comcast for an answer.

Motion was made by Supervisor Fox, seconded by Supervisor
Bennington, and carried unanimously to approve the Bills List dated
May 29, 1996, subject to audit.

Mr. Horrocks noted the final payment of \$25,000.00 for the Tax
Anticipation Note was paid in this Bills List.

C. TREASURER'S REPORT - Mr. Bruce Horrocks, Township Manager -
Mr. Horrocks presented the Treasurer's Report with the following
balances as of May 23, 1996:

General Fund Checking Account	\$	214,356.73
Payroll Fund Checking Account	\$	137.37
Fire Fund Checking Account	\$	73,349.60
Debt Service Checking Account	\$	214,824.44
State Highway Aid Checking Account	\$	127,611.52
Escrow Fund Checking Account	\$	105,317.30

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated May 23, 1996, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. Barry Stavrou - St. Philip's Church Waiver Request - Mr. Stavrou, building chairman of St. Philip's Orthodox Church, was in attendance to discuss a request for consideration of waiver of Planning Commission fees, which had been incurred due to the church's new building expansion program. In February of 1996, the church submitted a request for a building permit, only to discover that the current land development plan had expired a few months prior to permit submission. Those plans then had to be resubmitted, even though the basic land development plans only required minor changes in the building size. The Planning Commission fee was a cost the church had not anticipated and Mr. Stavrou stated the church is still struggling, even today, to meet all their budget limits. So that St. Philip's Church can move forward with their much needed expansion, Mr. Stavrou is requesting the Board to consider waiving the Planning Commission submission fee.

Chairman Bennett commented the Township is also struggling to meet financial demands. Supervisor asked for a clarification of Mr. Stavrou's letter to the Board which states "We are requesting a waiver of the fees and permit costs required to update the previously approved expansion drawing which expired as of September 1995." Supervisor Bennington asked if the church has submitted the land development fees. Mr. Stavrou replied the Planning Commission fee has been submitted, and the church is in the process of applying for Zoning/Building permits. Supervisor Bennington was interested to know what the Township has done in the past under similar circumstances regarding fees for churches or other non-profit organizations. Mr. Wynn researched his records because he could not recall any fees being waived in the past. The files Mr. Wynn readily found included three different applications by Calvary Church in 1994, 1995, and 1996; one application by Hilltown Baptist Church; and two applications, one subdivision and one land development, for Our Lady of Sacred Heart. In all those cases, Mr. Wynn noted the Planning Commission fees were paid by the applicant and no waivers were requested or given. Mr. Wynn is not certain that Zoning or Building permit fees have ever been waived. Supervisor Fox has watched St. Philip's Church grow into a fine member of this community, however he is still of the opinion that since this is a church, the Supervisors should not make all the residents of Hilltown Township pay for a church that may not be their own. Supervisor Fox does not believe the Township should

make money from fees for a church, however since the Township must pay their own consultants and fees to other Bucks County agencies, he does not feel it is fair. Supervisor Fox sympathizes with St. Philip's dilemma, but he can not justify requiring all the taxpayers of Hilltown Township to pay for a church that may not be their own. Mr. Stavrou commented the only fee the church is seeking a waiver of is the Planning Commission submission fee, which was quite substantial in the amount of \$1,175.00, mainly because time ran out on the plan by just a few months. The church is not seeking waivers of Zoning or Building permit fees.

Supervisor Bennington is hesitant to waive the fees as requested this evening, since the Township has not waived those fees for Calvary Church, Hilltown Baptist Church, and Our Lady of Sacred Heart Church in the past. Chairman Bennett is inclined to agree with Supervisors Bennington and Fox.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the waiver request for land development fees for St. Philip's Church as specified above, based upon past practice for other churches in the same situation.

2. Niessen, Dunlap and Pritchard - Certified Public Accountants - Mr. Larry Gruver of Niessen, Dunlap and Pritchard, was in attendance to review the audit report. 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. If these were full accrual statements under generally accepted accounting principles, Mr. Gruver noted they would also have to include activities of the Authority. This is primarily because the Board of Supervisors appoints the Authority Board and also because the Township has guaranteed outstanding debt which the Authority has issued. Mr. Gruver commented the Accountant's Report bears the date of January 29, 1996, except for Note #8, which is a note regarding the pension disclosures, to which the date is April 24, 1996. Mr. Gruver explained that the Pennsylvania Municipal Retirement System, who is the Township's pension administrator, issues data needed for enclosure in the auditor's notes, usually at the end of March or early April. However this data was not forwarded to the Township this year until the third week of April. N.D.P. initially reviewed this information, then discovered the Township was going through an updated pension plan audit by the Auditor General's office. Upon consultation with Mr. Horrocks, N.D.P. decided to wait until the Auditor General's office substantially cleared previous comments. The audit report, however, was timely filed with PennDot in March of 1996.

Pages three and four of the report contains the statement of

assets, liabilities, and fund balances for the various fund groups. Mr. Gruver advised the General Fund finished the year with the total fund balance of \$212,973.00, of which \$37,000.00 has been designated back from 1990 and 1992 from certain contributions for road improvements. Those monies are still being set aside in the amount of \$37,000.00. Therefore, the General Fund had a \$176,000.00 positive fund balance at the end of the year, which was totally unrestricted for operating purposes. The Special Revenue Fund Group, which includes Liquid Fuels, Street Lights and Fire Tax monies, had an ending fund balance of \$52,301.00. The Capital Projects Funds Group includes the proceeds from both the 1994 Bond Issue and some monies from the prior Issue by the Authority, which were still available and unspent as of December 31, 1995, in the amount of \$183,080.00. The Debt Service Fund is monies which are accumulated to pay for the debt service on the Bond Issue, in the amount of \$52,920 at the end of 1995. The Agency Fund Group consists of escrow funds. The Pension Trust Funds represent the Police and Non-Uniform Pension Plans combined. This fund had total combined assets at the end of the year of \$2.6 million dollars. The General Fixed Asset Account Group is the recorded historical cost of the fixed assets the Township has acquired over the years. These are historical or estimated costs, they are not at current market value. The General Long-Term Debt Group, as noted in the asset section, contained \$52,920.00 of Debt Service funds available and roughly \$2.3 million dollars, that will be provided in future years in the annual budgets which are passed each year towards Debt Service. With regard to the undesignated Debt Service Fund in the amount of \$52,920.00, Supervisor Bennington asked if that money is truly surplus which can be used to fund other buildings or if that money is carried over to pay the continuing ongoing Debt Service. Mr. Gruver replied the money is there for the Debt Service, which is why it is found in that particular fund group. When it states "undesignated," Mr. Gruver explained it means undesignated within the category in which it is found, in this case, the Debt Service. It is not truly a surplus, rather those funds are there to continue to pay the Debt Service.

Pages five and six show the activity of revenues collected and expenditures paid by fund group. The General Fund had total revenues of \$2,221,892.00, and total expenditures of \$2,233,259.00, which resulted in a slight deficiency of \$11,000.00 for the year; however \$64,000.00 was transferred out of the Capital Projects Fund to cover some park and recreation capital expenditures. Therefore, bringing those funds in resulted in an increase in the General Fund for 1995 of \$52,633.00. In the Special Revenue Funds, expenditures exceeded income by \$33,734.00. The Capital Projects Fund decreased \$53,141.00. There was approximately \$11,000.00 of interest earned on the funds, however there was a \$64,000.00 transfer to the General Fund which resulted in a decrease of \$53,141.00. Real Estate millage which is applied to Debt Service amounted to

\$212,973.00 plus interest income. The Debt Service Fund increased \$12,500.00 during the year. The Escrow Fund is merely a summary of the deposits received and expenditures paid during the year. The Pension Trust Funds again increased significantly, with the interest on the funds totalling \$163,000.00, with \$114,000.00 of contributions consisting of a combination of State aid and municipal contributions. Pension expenditures are \$73,000.00 for a net increase in Pension Funds in the amount of \$204,000.00.

Supervisor Bennington asked why there is an excess of \$204,000.00 of revenues collected for the Pension Fund over expenditures. Mr. Gruver explained there was interest of \$163,000.00 and contributions to the Pension Funds of \$114,000.00. Therefore, the total revenues within the Pension Fund group itself totally \$277,000.00. There was then \$73,000.00 spent in benefits and administrative costs, which resulted in a \$204,000.00 increase. Supervisor Bennington asked if the bottom line equity of December 31, 1995 at \$2.6 million, is to the point where the State then agrees that it is where it should be. Mr. Gruver advised this statement is showing purely the total assets in the fund and how those assets were arrived at from the beginning of the balance. The actual liability of the fund and the funding status is described in the notes to the financial. Pages seven and eight takes that same income statement, and compares budget to actual for the General Fund, Special Revenue, and Debt Service fund groups.

The notes to the financial statements begin on page nine. Pages nine through twelve are disclosures which speak of some of the accounting policies and principles used, what certain fund groups mean, and how fixed assets are accounted for, as well as a brief description of the budgetary process. Page thirteen contains the actual notes referring to courier activity in the financial statements. Note #4 indicates that escrow funds are being held by the Township for developers in the amount of \$59,000.00. Note #5 is the general fixed assets showing the change for the year. The 1995 year was begun with \$2.7 million. There was \$193,000.00 of additions to those assets during the years which have been broken out between land improvements, machinery, trucks and autos. There was a disposal of \$39,000.00 resulting to the year end balance of \$2,854,000.00. Note #6 discusses the general obligation bonds of 1994. Page fourteen shows the Debt Service requirements for the future periods while the debt is outstanding. This has not changed from last year, except for an update of the 1995 payments. Supervisor Bennington referred to his original questions concerning the excess of Debt Service funds in the amount of \$12,000.00 based upon this year principle and interest of \$202,000.00. Supervisor Bennington believes that is the highest the Township would pay in a given year through the year 2016. Therefore, Supervisor Bennington believes that will be a surplus, if it is carried

through to the end of the debt service. Mr. Gruver agreed that if it is budgeted to level, the Township will accumulate excess. If the Township accumulates an excess, Supervisor Bennington asked if an additional building could be purchased from those funds. Looking at the total, Supervisor Bennington believes the surplus could reach as high as \$40,000.00. Under the Bond Indenture of 1994, Solicitor Grabowski advised there is a process by which excess funds can make their way to a construction fund, if approved by the Trustee, which in this case is Union National Bank and Trust Company. As the Township gets closer to three to five years remaining on the Bond Issue, and depending on what the capital needs are, Mr. Gruver noted the Township may decide to stop the tax or change the millage to equal it out.

Page fifteen highlights the fact that in the 1994 Bond Issue, prior outstanding debt was defeased, and those funds are set aside to provide the Debt Service payments on the old bonds. Note #8 begins the description on the disclosures required for the pension plans. Pages fifteen and sixteen show the police pension plan, highlighting benefits and requirements of the plan. The bottom of page sixteen shows the same disclosure for the non-uniform pension plan. Page seventeen, Item B, notes the respective assets in the two plans as of December 31st as held by P.M.R.S.. The police pension plan had \$2,043,133.00 of assets and the non-uniform plan had \$562,379.00 of assets. Page nineteen shows the assets in each of the pension plans and compares it to what is called a "pension benefit obligation" of the Township. This calculation is done as of January 1, 1995. The actuaries are generally working a year behind when these figures are calculated. The first column, which is the police pension plan, shows the total pension benefit obligation at \$1,698,000.00. The net assets available for benefits at the beginning of 1995 was \$1,828,000.00. At that time, the plan had assets in excess of the obligation of approximately \$131,000.00. Similarly, the non-uniform pension plan had an obligation at the beginning of the year at \$354,000.00, and the assets available for benefits were \$504,000.00. Therefore, there were assets in excess of the obligation in the non-uniform plan at \$150,000.00. Page twenty of the notes is a continuation of the pension plan disclosures. Contributions to the plan for 1995, as determined by P.M.R.S. with the annual M.M.O. calculations, are shown at the bottom of the page. Page twenty one of the notes includes a disclosure regarding the status of the pension plan audits the Auditor General's office had conducted for the years 1987 through 1990. Mr. Gruver has summarized, by 1995 and 1996, the activity with the plans regarding any monies due back to either the State or to additional contributions to the plans. Because Hilltown Township is on a cash basis of accounting, the expenditures are recognized when the reimbursements are actually made and sent to them. The report shows payments made in 1995 which were physically disbursed in 1995. Also included is a line

for the large re-payment which was required to the police pension plan in the amount of \$109,000.00. This payment was made in 1996, however it has been disclosed in the notes of the 1995 audit because all the facts were known at that time. The actual disbursement of those monies took place in 1996 and will be reflected as a 1996 expenditure in the financial statements. An acknowledgement that the Township has fully resolved all findings of the Auditor General's audit has been received from that office.

Page twenty three shows the net assets available versus the pension obligation for each year-end of the police pension plan. According to column number three, the police pension plan has been positive and had excess assets for the majority of years presented. The highest, percentage-wise, was 1991. It has slightly decreased since that time, however the plan is still showing excess assets which is a good position to be in. Page twenty four takes, by year, the major items of income and expenditures within the police pension plan. Page twenty five shows the funding status of the non-uniform plan for the past ten year period. This plan has also shown excess assets, with a slight percentage decrease in the amount of overfunding. Page twenty six shows the revenues and expenditures of the non-uniform pension plan.

Since the Township has over two million dollars outstanding at this time, Chairman Bennett asked the basis for determining how much additional money the Township could borrow through bonds. Mr. Gruver replied the Local Government Debt Act sets forth standards for this. If the Township has electoral debt, which the taxpayers would vote upon, Mr. Gruver believes the Township could issue any amount that they agree to. If the Township has non-electoral debt, Mr. Gruver believes it would depend on the purpose and the length of time the loans would be outstanding. There are also limitations in that law of 200% to 300% of the borrowing base, which is a calculation of revenues. Chairman Bennett asked if the fact that the Township guarantees the Water and Sewer Authority Bond in the amount of \$2.9 million would be taken into consideration. Solicitor Grabowski commented that would be construed as self-liquidating debt, so that while it is taken into consideration, it is not a reduction in the maximum amount the Township could borrow under the Debt Act.

Mr. Gruver did not feel it was necessary to issue a recommendation letter this year because no items of importance were found. Mr. Gruver thanked Mr. Horrocks, Mrs. Leslie and the Administrative staff for the fine job they have been doing.

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

1. Bid Awards - Bids were opened today at noon for the salt/seasonal storage building bids that had been re-advertised.

The same two companies supplied bids with the following results:

McComsey Builders of Cochranville, PA - \$ 94,323.00
Morton Buildings of Phillipsburg, NJ - \$106,394.00

Mr. Horrocks recommended the bid for two seasonal storage buildings be awarded to McComsey Builders in the amount of \$94,343.00. Mr. Horrocks noted that some investigation has been done on the firm who has constructed salt storage buildings for the State of Pennsylvania. That fact that McComsey Builders does business with the State does not impress Chairman Bennett. Supervisor Bennington suggested the bid from McComsey Builders be accepted and that Mr. Horrocks contact the State for references on this company. Discussion took place. Mr. Horrocks noted the winning bidder is required to provide a 100% Performance Bond. Further, McComsey Builders has bid the specifications as offered, without any changes.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award the bid for two seasonal storage buildings to McComsey Builders in the amount of \$94,323.00, pending a reference check with the State of Pennsylvania.

2. Mr. Horrocks presented a series of five escrow releases for the Board's consideration, all but one of which are bank held letters of credit:

Country Roads Phase I	Voucher #51	\$ 303.98
Hilltown Crossings	Voucher #17	\$146,308.30
Ralph G. Moyer Subdivision	Voucher #04	\$ 245.70
Olesky Land Development	Voucher #01	\$ 84.43
Quiet Acres Mobile Home Park	Voucher #18	\$ 338.12

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

3. Mr. Horrocks presented Resolution #96-17, as requested by Sgt. Ashby Watts, in recognition of three members of the Youth Aid Panel for their service to the community. These members include Mrs. Wanda Renshaw, Mrs. Sara Jane Hyer, and Mrs. Jeanne McDowell.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to **adopt Resolution #96-17, recognizing Mrs. Wanda Renshaw, Mrs. Sara Jane Hyer, and Mrs. Jeanne McDowell as members of the Youth Aid Panel for their service to the community.**

4. A request has been received from Mr. William Anderson to allow the continued use of an existing garage and apartment which

are located at 720 E. Walnut Street (TMP #15-13-3), along with a four bedroom single family dwelling. Mr. Anderson does not intend to subdivide the property. Mr. Anderson's letter explains that his parents purchased two lots, with the larger, 100 ft. by 200 ft., purchased on June 25, 1946. This is the lot on which the garage and the apartment were constructed. Mr. Anderson and his parents lived in this apartment until the house was constructed in 1955. The house straddles both lots. The house and the garage apartment have separate sewer connections and separate electric meters.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve Mr. William Anderson's request to declare TMP# 15-13-3 as a legal non-conforming home and apartment.

5. Mr. Horrocks explained the Township Engineer and the Director of Public Works have been reviewing the requirements for repair of Township Line Road from a winter flood wash-out. A request has come from Mr. Wynn's office to retain Del-Val Soils at a cost of \$400.00 to determine whether or not wetlands are involved.

Mr. Wynn explained he is attempting to use the rock material from the new channel which was cut by the overflowing creek to fill the channel to its natural grade. A soil scientist must verify that wetlands will not be impacted. If the Township does not impact wetlands, the material can remain, saving the Township more than \$600.00 in hauling costs.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to allow Del-Val Soils to review the site on Township Line Road in order to determine wetland involvement, in the amount of \$400.00.

6. The Planning Commission and the Agricultural Security Area Advisory Board have reviewed those parcels to be included in the Agricultural Security District and have recommended acceptance by the Board of Supervisors. The only remaining legal requirement is to advertise for a Public Hearing.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement of a Public Hearing for the Agricultural Security District to be held on Monday, June 10, 1996 at the Board of Supervisor's Worksession meeting.

7. With regard to the Telford sewer project, Mr. Horrocks asked the Board to authorize the Township Solicitor's office to release a municipal lien which was placed on Tom Skiffington's property located on Hickory Street. The property owner has paid

the amount owed to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor's office to release the municipal lien on Mr. Skiffington's property located on Hickory Street in Telford.

8. Mr. Horrocks is seeking Board authorization to advertise for possible adoption of a new Road Occupancy Ordinance which would address procedures for permitting of driveway pipes, driveway entrances, and paving requirements, etc.. Mr. Wynn's office has prepared an Ordinance addressing requirements of the newly adopted Second Class Code. The proposed Ordinance has been reviewed by Solicitor Grabowski's office as well.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement of a Public Hearing for consideration of a new Road Occupancy Ordinance.

G. CORRESPONDENCE:

1. A summary has been received from Mr. Wynn's office advising of the labor and the amounts involved in the reconstruction of West Creamery Road.

With all the work that was done on West Creamery Road, Supervisor Bennington asked Mr. Wynn how long he estimates that road will remain in good condition. Mr. Wynn explained there are some areas on West Creamery Road that need to be repaired. Due to the time of year construction took place and because of the waterline which was installed and re-installed in the roadway, Mr. Wynn noted there are some areas of the roadway with 24 inches of stone below the stone base as well as one or two layers of fabric. The roadway was still moving at the time of paving, which is why those areas have broken up. Mr. Wynn believes West Creamery Road, once it has been totally completed, could last up to 15 years without major repairs. Over time, the road will have to be sealed because it is an asphalt roadway and the surface will dry out. Also, the road is 28 ft. wide and from time to time, shrinkage cracks will appear from curb to curb which will have to be sealed.

2. Mr. Horrocks announced the official grand opening of the Wal-Mart Store in the Hilltown Crossings Shopping Center will be held on Wednesday, May 29, 1996 at 8:00AM.

3. Correspondence has been received from the Auditor General's office acknowledging that all previous audit findings have been complied with.

4. The Bucks County Planning Commission has returned their recommendations from review of Article VII of the Hilltown Township Zoning Ordinance with regard to sign regulations. The Board of Supervisors directed Mr. Horrocks to forward this review to the Hilltown Township Planning Commission for their comments and recommendations.

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

1. Solicitor Grabowski presented an agreement involving the Reblock Act 537 Revision. Several years ago, the Reblocks entered into an agreement providing for the maintenance security of an on-lot package system. The amount of money required at that time was a great deal more than what is required at present for similar situations. Experience has indicated that the amount can now be in the area of \$2,500.00. Approximately two months ago, the Township received a request from Mr. and Mrs. Reblock to consider reducing their retainage down to the \$2,500.00 figure. The Board discussed this at a previous meeting and agreed to the applicant's request. The agreement is conditioned upon an amendment which has been recorded with the Bucks County Recorder of Deeds and also that the expense of that amendment would be incurred by Mr. and Mrs. Reblock. The Reblocks have signed the agreement, and Solicitor Grabowski is presenting the agreement for the Board's signature following this meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the agreement of amendment relating to the Sewage Treatment Agreement of Mr. and Mrs. Reblock, as noted above.

2. With regard to the Myers Subdivision, Solicitor Grabowski explained requirements call for the installation of street trees and for the granting of a right-of-way easement to the Township for the area along Rt. 113 along the frontage of the subdivision. Solicitor Grabowski presented an agreement by which Mr. and Mrs. Myers have escrowed the sum of \$2,440.00 in cash. Also for the Board's consideration is proposed Resolution #96-18, which is the acceptance of the right-of-way easement on the Myers Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-18, acceptance of the right-of-way easement for the Myers Subdivision, and to accept the street tree agreement for the Myers Subdivision.**

3. Solicitor Grabowski presented a Declaration of Easement offered to the Township by the Philadelphia Glider Council for property they are acquiring with frontage on Mill Road and Green Street through the Hewitt Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-19, a Declaration of Easement from the Philadelphia Glider Council/Hewitt Subdivision.**

4. For the Board's information, Solicitor Grabowski noted Development Agreements and Financial Security Agreements, as well as all the easements for Phases III and IV of the Country Roads development were forwarded to the applicant approximately two weeks ago. Apparently, settlement took place this past Friday. There are linens for signature by the Board following this meeting.

5. Escrow information concerning the outparcel for Hilltown Crossings is still outstanding. Further, Solicitor Grabowski understands a stormwater easement is required across the Donis property which has now been obtained.

6. Solicitor Grabowski advised an Executive Session was held prior to this meeting in order to discuss legal matters. One of the legal matters discussed was the issue of Bernie Enterprises, Inc. with the enforcement of the Commonwealth Court and the Pennsylvania Supreme Court decision from October of 1995. During the past three weeks, Solicitor Grabowski had several discussions with the attorney representing Bernie Enterprises, as well as the attorney for the interveners, Mr. and Mrs. Earl Smith. Those discussions resulted in several drafts of a proposed compliance agreement by which compliance could be had on the zoning issues. Solicitor Grabowski stated the matters for discussion have been reduced to approximately four outstanding issues. Mr. William Renz, the attorney for Bernie Enterprises, was present earlier this evening to argue some points before the Board. The Supervisors, however, did not feel it was fair to hear from legal counsel for Bernie Enterprises, without legal counsel for the interveners, Mr. Frank Buschman, present. Mr. Renz was asked to return at the June 10th Worksession Meeting. After Mr. Renz departed this meeting, Mr. Buschman arrived. Solicitor Grabowski invited Mr. Buschman and his client to also attend the June 10th meeting for further discussion, unless these matters can be resolved within the next two weeks among the various parties.

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

1. Hersh Subdivision - This lot line adjustment subdivision located on Hilltown Pike was unanimously recommended for approval by the Planning Commission conditioned upon the following:

- Ultimate right-of-way of Hilltown Pike along the frontage of Lot #1 should be dedicated to the Township in accordance with Note #5 on the plan.

- Property monumentation as shown on the plan should be installed and certified in writing by the responsible surveyor prior to plan recordation.

- A new deed should be recorded for TMP #15-32-20.1 which includes the area to be transferred from the adjoining parcel. Combined area should be described by a single outboundary description with appropriate bearing and distance information.

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

2. Venture/Ventresca Subdivision - This lot line adjustment subdivision located on Hilltown Pike within the village of Hilltown was unanimously recommended for approval by the Planning Commission subject to the following conditions:

- A new deed should be recorded for TMP#15-34-161-1 which includes the area to be transferred from the adjoining parcel.

- Location map should be revised to reflect the current boundary of the Village Center Zoning District as identified in the Zoning Ordinance adopted on May 22, 1995. Additionally, zoning boundary line identified in plan view should be revised accordingly.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Venture/Ventresca Subdivision, pending completion of the outstanding items as noted above.

3. Zoning Ordinance Revisions - Buffer Yards/Open Space - Mr. Wynn advised the Planning Commission unanimously approved a motion recommending the proposed Zoning Ordinance amendment relative to buffer yard and open space should be forwarded to the Bucks County Planning Commission for their review. During the sketch plan review of the Finkelstein and Jager properties as presented by Heritage Building Group, it was discovered that there are a few issues in the Zoning Ordinance concerning open space and buffering that are not necessarily clear.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to forward the proposed Zoning Ordinance revisions concerning buffer yards and open space to the Bucks County Planning Commission for their review.

4. Supervisor Bennington received a review of the final revised plan for the Orchard Glen Subdivision, and wondered why the

Planning Commission would accept such a large volume of revisions and concerns. Mr. Wynn explained Mr. Collie appeared before the Planning Commission to discuss some specific items, such as planning items and waivers. The remaining items will be revised on the plan.

5. With regard to recent correspondence from Mr. Adolph Jager concerning his subdivision, Supervisor Bennington feels either the Township Solicitor or the Township Engineer should explain to Mr. Jager that what he stated in his letter is not what the Board of Supervisors directed him to. Instead of the required capital contribution of \$20,000.00, Mr. Jager is proposing to provide a letter of credit for that capital contribution, which Supervisor Bennington feels is ludicrous. Mr. Wynn spoke with Mr. Jager when he hand-delivered the correspondence to the Township, and Mr. Jager insists the Board of Supervisors agreed to allow him to provide a letter of credit for the capital contribution. Mr. Wynn has since reviewed the minutes of the meeting in question. At that meeting, Mr. Jager asked to postpone the capital contribution, thereby requiring future builders to provide that, which the Supervisors did not agree to. Further, Mr. Jager was not agreeable to posting a letter of credit to complete the improvements. The Board advised Mr. Jager that a letter of credit is a requirement. Mr. Wynn believes Mr. Jager confused the two issues that had been discussed at a previous meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to direct Mr. Horrocks to send correspondence to Mr. Jager, explaining all the remaining outstanding items necessary for compliance.

J. ENGINEERING: None.

K. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger asked the status of construction of a water tower at the Civic Park as proposed by the Hilltown Township Water and Sewer Authority. Mr. Horrocks noted the land development plan which was submitted to the Township by the Authority has been withdrawn.

Mrs. Bolger asked who paid for the W. Creamery Road reconstruction work. Mr. Wynn explained that cost was absorbed partly by the Township and partly by the developer. The original plans of 1986 required the developer to widen the road only and to complete the curb and storm drainage. It was then resolved that the Township would pay for the digging of soft areas and the stone base; while the developer would pay for its previous obligations for curb and stormsewer, as well as paving the entire portion of roadway and completing the final course.

Mrs. Bolger understands Deep Run Valley Sports Association was granted their request for reduced park use fees. Mrs. Bolger asked what other organizations make use of the Civic Field Park and if those other organizations also pay a reduced park use fee. Mr. Horrocks replied Faith Christian Academy and Our Lady of Sacred Heart are two organizations who use the field at the regular park use fees. Mrs. Bolger feels it is unfair for other non-profit organizations to be charged regular fees when Deep Run has requested and is paying reduced fees. Mrs. Bolger believes Deep Run has overextended themselves, and she is tired of hearing their complaints about money. Mrs. Bolger is not against Deep Run, in fact she feels it is a fabulous organization, however she does not believe they should take on any new members if they can not provide the services they claim to. Mrs. Bolger wondered why the Township should solve the problem of Deep Run Sports Association overextending themselves with membership. Discussion took place concerning Deep Run Valley Sports Association and its boundaries for membership.

Mrs. Bolger is a member of the Open Space Committee, and noted that Deep Run was even mentioned at one of those meetings. Supervisor Bennington wished to clarify that when he proposed the Land Use Referendum, he never specified or implied that recreation land could be used by Deep Run. Supervisor Bennington's goal was to pay for farmer's rights as well as passive open space, not active open space. Mrs. Bolger agreed that she did not hear Deep Run's name mentioned by Supervisor Bennington, rather it was mentioned by another member of the Open Space Committee. Mrs. Bolger commented she eventually mentioned this matter to Supervisor Bennington, and at the time, he seemed inclined to allow Deep Run to use open space that may be purchased by the Township. If Deep Run was willing to be financially responsible for all the maintenance on a particular parcel, without any assistance from the Township, Supervisor Bennington agreed he would be happy to allow Deep Run to use a piece of property. Supervisor Bennington wondered why Mrs. Bolger had difficulty with Deep Run using a passive piece of property that the Township has not financially contributed to. Mrs. Bolger noted that is not how it was presented at an Open Space Committee meeting. Supervisor Bennington commented he has not attended any Open Space Committee meetings.

Mr. John Snyder agreed with Mrs. Bolger's comments concerning Deep Run. Mr. Snyder explained the Hilltown Fire Company previously approached the Park and Recreation Board to request reduced fees for use of the ballfield, however they were told they would have to pay the full user fee. On the other hand, when it comes to Little League, Mr. Snyder noted that approximately 8 years ago Pennridge Little League had too many children. At that time, they then cut all Hilltown Township residents from participating in Pennridge Little League. Within certain geographic boundaries,

rules and regulations of the Little League requires that an organization must provide teams for children. With the changes of boundaries in the Pennridge Little League, and with the growth of Hilltown Township, Mr. Snyder believes this has contributed to some of Deep Run's operating difficulties.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Fox stated it has been six years since the last census was taken, yet nothing has been done to correct the situation of those living in Hilltown Township who have not been recognized as Hilltown Township residents. Over the next four years, Supervisor Fox feels the Board should investigate a way to accurately count residents of Hilltown Township. Supervisor Fox realizes this is a difficult task, given the fact that Hilltown Township is serviced by so many different post offices. Further, Supervisor Fox noted many Hilltown residents are not aware of the fact that they are residents of Hilltown Township because of their mailing addresses.

2. Several months ago, Supervisor Bennington stated the Board discussed revising the Noise Ordinance. Solicitor Grabowski provided correspondence in March of 1996, advising that the Board should wait for the Plumstead Township decision concerning their Noise Ordinance which was in the process of being formally drafted. However, since so much time has passed, Supervisor Bennington suggested Solicitor Grabowski begin drafting revisions or amendments to the existing Noise Ordinance. In the past, the Board has heard numerous complaints about the noise from model airplanes, etc., and with the approach of warmer weather, Supervisor Bennington hopes to be able to provide an answer for residents who have noise complaints this year. Since the Township is forwarding several documents for review to the Bucks County Planning Commission, Solicitor Grabowski suggested the existing Noise Ordinance be forwarded to the B.C.P.C. as well. Solicitor Grabowski will provide copies of the Plumstead Township Noise Ordinance to the Supervisors for review, and will also contact the Bucks County Planning Commission for copies of Noise Ordinances from other municipalities.

3. Chairman Bennett wished to elaborate on Supervisor Fox's earlier comments concerning the census. Hilltown Township officially completed the last census with 10,300 residents. At Supervisor Fox's behest at the time, Chairman Bennett approached the Census Bureau, advising that the Township disagreed strongly with their numbers. A representative of the Census Bureau was then sent to re-check the figures in Hilltown Township for a two week time period, and she did raise the population rates by another 200 residents. Supervisor Fox still insisted that figure was incorrect. Chairman Bennett spoke again to the Census Bureau, and

suggested that possibly the Civic Association members could take their own census by reliable means. The Census Bureau could not accept those results, however they did recommend a consulting firm from New Jersey that would cost the Township up to \$15,000.00. Chairman Bennett agrees with Supervisor Fox that the population figures are incorrect, however he is not certain how to rectify the situation, given the fact that Hilltown Township is serviced by 13 different post offices. In reality, Supervisor Fox believes Hilltown Township's population is 16,000, and Chairman Bennett believes the figure is somewhere between 12,000 and 14,000. Supervisor Fox noted there were over 1,600 subdivisions in Hilltown Township. One subdivision that was not included, but was constructed in the early 1980's, is the Pleasant Meadows Subdivision. With the growth of Hilltown Township, the few hundred extra residents the Census Bureau claims we have gained over a ten year period is drastically incorrect in Supervisor Fox's opinion. Supervisor Fox also noted the more residents in this Township, the more Liquid Fuels funds we receive. Chairman Bennett agrees that this matter must receive further attention, however he is not certain how to go about it.

Mr. Horrocks advised there is a report the Township receives that he is not certain was made available to the Bureau of Census. This report is based on Berkheimer's E.I.T. collections and it is reported alphabetically by street address. This report would only be valid for earned income tax payers, however it may be helpful during the next census count.

4. Supervisor Bennington welcomed Mr. John Gerner of the News Herald back after an illness.


M. LINENS FOR SIGNATURE:

1. Country Roads Phase III and IV
2. Hilltown Crossings Outparcel

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

O. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the May 28, 1996 Board of Supervisors meeting was adjourned at 9:45PM.

Respectfully submitted,


Lynda Seimes
Township Secretary