

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, April 22, 1996
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett Jr. at 7:44PM 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

Chairman Bennett announced the Board met in Executive Session with the Township Manager and the Township Solicitor prior to this meeting, for an informational meeting.

Chairman Bennett observed a moment of silence in remembrance of Mr. Oscar Brett, Township Constable, who recently passed away.

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 - To Supervisor Fox's knowledge, the Township never signed off on any land behind this building to the Water and Sewer Authority in exchange for the funds provided by the Authority to financially help the Township get through that year. Supervisor Fox noted the Authority may believe that was the case, but the Supervisors did not approve that in any of our minutes.

Mr. Horrocks explained there were two clarification questions raised when these minutes were originally up for approval last month. One of those clarifications dealt with which building the Authority was servicing. Mr. Horrocks noted that question was addressed in the page before the Board this evening. The building in question is this municipal building. The second item for clarification dealt with the waiving of the rental fee. Mr. Horrocks directed the Township Secretary to transcribe this section of the minutes exactly as the words were spoken at the March 11, 1996 meeting. If the Supervisors wish to strike those words or revise those words, that is fine, however what is before the Board this evening was the language as exactly spoken by Mr. Groff at the time.

Supervisor Bennington commented the minutes should be exactly what is said at a meeting, and Supervisor Fox does not have the right to make his own interpretation or add his own words into the minutes for what someone else has said. If the statement in this

particular set of minutes is exactly what was said by the individual at the March 11, 1996 meeting, Supervisor Bennington feels the minutes should be approved as read, even though Supervisor Fox may not agree with that specific statement. Supervisor Fox believes he made a correction to Mr. Groff's statement at the March 11th meeting, and feels he should be able to make a correction to that statement now, as well.

Supervisor Bennington asked what specific correction Supervisor Fox wishes to make to these minutes. Supervisor Fox stated the following correction to the March 11, 1996 Joint Meeting minutes: "This Board never agreed to give the Authority land behind this building. What the Township did get at the time, and what Supervisor Fox mentioned to the Township Manager, was that Mr. Scott Tagg thought that because of the \$25,000.00 the Authority gave to the Township to make it through the year, the Township was giving the Authority title to erect the water tank behind the Township building." Supervisor Bennington disagreed, commenting the statement Supervisor Fox just made must go into this evening's minutes, it can not become part of the minutes of the March 11th meeting because the comment was not made by Supervisor Fox at that time. Supervisor Fox advised he questioned Mr. Groff's statement at the time of the March 11th meeting, or these minutes would have been approved previously.

Supervisor Fox suggested that page 2 of the minutes of the March 11th Joint Meeting be tabled this evening until the Board of Supervisors can actually review the tape of that meeting. The Board was in agreement to table these minutes.

Action on the minutes of the March 25, 1996 Meeting: Supervisor Fox noted the following correction:

= page 3, under "Confirmed Appointments", the name "Christiansen" was spelled incorrectly throughout the entire section.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 25, 1996 Board of Supervisors Meeting, as corrected.

Action in the minutes of the April 8, 1996 Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the April 8, 1996 Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated April 23, 1996, with General Fund payments in the amount of \$75,284.73, Fire Protection Fund payments in the amount of \$18,001.00, and State Highway Aid payments in the amount of

\$1,002.65; for a grand total of all funds in the amount of \$94,288.38.

Supervisor Fox questioned the bill from A.T.I. Communications in the amount of \$268.75 for the installation of a door phone. Mr. Horrocks explained a phone was installed in the Police Department lobby to replace the former speaker system which was not functioning properly. Supervisor Fox does not recall budgeting for the purchase of two new fax machines and questioned the bills from Stack Sales Corp. in the amount of \$499.95 each. Mr. Horrocks explained the purchase of a fax machine for the Police Department was in their Capital Budget, and the second fax machine was purchased by the Water and Sewer Authority. The Authority will be reimbursing the Township for that purchase in the amount of \$499.95.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated April 23, 1996, subject to audit.

Mr. Horrocks noted the first \$50,000.00 repayment to the Tax Anticipation Note was made and is shown on this Bills List.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager - As of April 19, 1996, the following funds had these balances:

General Fund Checking	\$ 116,628.98
Payroll Checking	\$ 198.30
Fire Fund Checking	\$ 47,608.50
Debt Service Checking	\$ 127,007.31
State Highway Aid Checking	\$ 171,751.71
Escrow Fund Checking	\$ 102,779.61

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated April 19, 1996, subject to audit.

D. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. George Collie - Heritage Building Group - Mr. Collie is in attendance to discuss the Finkelstein sketch plan. At a previous meeting, Supervisor Fox raised the issue of the 10 acre parcel donated by Mrs. Finkelstein to the Township for recreational purposes. Mr. Collie phoned Mr. Larry Grim, legal counsel for Mrs. Finkelstein, who assured him that there was no donation of ground due the Township. Apparently this donation had been an issue in a prior subdivision, however the offer was withdrawn by Mrs. Finkelstein via a letter dated October 27, 1994.

In the spirit of cooperation, Mr. Collie reviewed the proposal with his engineer, to see if there was something he could do to satisfy the Township. Mr. Collie presented a sketch of the Finkelstein property, which is comprised of 40 acres. All of the recreation area has been moved to where Supervisor Fox had stated he would like to see it. The recreation area consists of 4.31 acres, excluding the high tension lines which are a 50 ft. width right-of-way. Heritage Building Group also has the Jager property under agreement. The Jager property is located next to the Finkelstein property, and the site has been re-designed to place all the recreation area together. This property is composed of 6.24 acres of recreation area, excluding the detention basin. Therefore, the recreation area, combined together, without the detention basin and without the high tension line area, consists of 10.5 acres.

At the last Planning Commission meeting, Supervisor Fox indicated that this plan would not move forward until the matter of the donation of 10 acres by Mrs. Finkelstein was resolved. Heritage Building Group is the equitable owner of 40 acres purchased from Mrs. Finkelstein.

Mr. Larry Grim, legal counsel for Mrs. Finkelstein, was in attendance this evening to provide historic information and background data in an attempt to clarify this matter. Mr. Grim advised that Mrs. Finkelstein did appear before this Board several years ago to offer 10 acres of land for recreational use of the Township, however problems ensued since that offer was made. At the time Mrs. Finkelstein discussed donating the 10 acres, no one explained to her that there were issues such as side yards and open space requirements that would affect her remaining lands. After Mr. Grim learned of Mrs. Finkelstein's offer to the Township, he met with her and with Supervisor Fox to locate the 10 acres on a plan. Mrs. Finkelstein's engineer, Ms. Cheryleen Strothers, did indeed set aside 10 acres on a plan. Mr. Grim had suggested to Supervisor Fox that if Mrs. Finkelstein were to donate 10 acres to the Township, she should get credit for that amount of open space when the remaining land is developed. This 10 acre donation was shown on the first prepared plan as well as on several other revised plans, with the provision that Mrs. Finkelstein (or her developer) was to receive credit for open space when the remaining land was sold. The major problem was that Mrs. Finkelstein owned only 51% of the land, with 49% being owned by trustees under the provisions of the will of her late husband, Mr. Herman Finkelstein. The trustees had no power to make gifts. Therefore, the only way the Township could receive clear title to the 10 acre parcel would be if Mrs. Finkelstein were to purchase the 49% interest of the trustees. It then became a question of valuation. Mrs. Finkelstein went to considerable engineering expense to study that remaining land. Mrs. Finkelstein had previously sold her house to a buyer, who entered into an agreement of sale without the

perimeter of the property being clearly defined, which caused further difficulties. Also, Mike and Ginger Manero, with whom Mrs. Finkelstein resides, had a home and they wanted to change the boundary. In order to do the valuation study, the engineer had to draw up two different plans for the remaining lands, one for single family dwellings and one for high density dwellings. The engineer had to determine what impact the open space would have if the Township were to give credit as was requested. The Planning Commission ultimately denied this request and the 10 acre credit was removed from the plan. A valuation was obtained from Suzanne Detweiler of Robert Alderfer, E.R.A. and it was a large sum, approximately \$200,000.00, though Mr. Grim does not recall exactly what that figure was. This is what Mrs. Finkelstein would have been required to pay if she did not receive credit for the open space. Since Mr. Grim's office represents the Zoning Hearing Board, he could not appear before the Planning Commission in person, however he did send Ms. Strothers, the applicant's engineer, to most of the meetings. Mr. Grim advised it was very frustrating dealing with the Planning Commission. Mrs. Finkelstein had spent over \$2,000.00 trying to make this donation happen, however the Planning Commission did not seem interested in her proposal. At this time, all work on the plan was halted, and Mrs. Finkelstein sold her home. Mrs. Finkelstein then wrote the letter withdrawing her offer of the 10 acres to the Township. Mr. Grim noted Mrs. Finkelstein is a kind, generous person and she would have liked to donate this land to the Township, but it was not economically possible. One thing Mrs. Finkelstein did do for the Township was to insist that Mr. Collie develop this land in single family dwellings, as opposed to high density housing. Also, Mr. Grim feels Mr. Collie has done the Township a favor by providing the 10 acres for recreation.

After Mr. Collie purchased the property, he 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. The Ordinance calls for a total of approximately 6 acres between the two parcels for recreation purposes for the 15% of the open space issue in the Subdivision/Land Development and Zoning Ordinances. The applicant is offering 10.5 acres, which is more than 70% of what the Zoning Ordinance requires. Mr. Collie is seeking direction regarding the 10 acres. As the equitable owners of the entire parcel, Heritage Building Group feels the Township is not entitled to 10 acres.

Supervisor Fox wished to clarify that no one in the Township received a copy of the letter from Mrs. Finkelstein, dated October 27, 1994, withdrawing her offer of 10 acres. Even though Supervisor Fox agrees the offer was withdrawn, the letter was not received by the Township. Further, Supervisor Fox noted the Township was asked, so that Mrs. Finkelstein could sell her home

and ten acres, to not go through the subdivision of the ten acres. At that time, Mrs. Finkelstein agreed that she wished to donate 10 acres to the Township, and even in her letter of withdrawal, she states "I assure you I will revisit the subject when my former house is sold. I must devote all my limited resources to this project." Since that time, Mrs. Finkelstein has informed the Township that she never changed her mind about donating this land. Supervisor Fox explained Mrs. Finkelstein had invited him to her home, stated that she has never changed her mind, and that she does not recall signing the letter dated October 27, 1994. Upon review of this letter, Supervisor Fox feels it is questionable. Ms. Strothers, the applicant's engineer, was before the Board a year ago with the Manero/Popiwny Subdivision, at which time Mrs. Finkelstein asked that the 10 acre donation be delayed until she sold the land. In order to put Supervisor Fox's fears to rest, Mr. Grim stated Mrs. Finkelstein personally signed the letter dated October 27, 1994 in his presence. Supervisor Fox agrees with what the letter says, that Mrs. Finkelstein would revisit the proposal, which she has done several times with him and with the Township. Mr. Grim noted that Mrs. Finkelstein has also signed a binding agreement of sale with Heritage Building Group, as Mr. Collie has explained. Heritage Building Group is indeed the equitable owner of this property, and Mrs. Finkelstein, along with the trustees, merely holds title of the property as security for payment of the unpaid balance of the debt.

Supervisor Bennington asked the date of the equitable agreement of sale for Heritage Building Group. Mr. Collie believes the date of sale was November 8, 1995. Supervisor Bennington asked if payments have been made to Mrs. Finkelstein. Mr. Collie replied irrevocable payments have been made to Mrs. Finkelstein.

Supervisor Bennington wished to clarify the chain of events of this matter. In 1993, Mrs. Finkelstein came to the Township offering a 10 acre parcel to the Township, which no one coerced her into doing. In 1994, Mrs. Finkelstein signed a letter in Mr. Grim's presence, withdrawing the offer of the 10 acres. Mr. Collie's representatives then presented a sketch plan to the Planning Commission in March of 1996 to discuss his intent for the Finkelstein property, at which time Supervisor Fox brought to light the 10 acre donation previously given by Mrs. Finkelstein. The Planning Commission was under the supposition that the original letter from Mrs. Finkelstein was still in place. Mr. Collie then presented the plan for both the Finkelstein and the Jager properties to the Park and Recreation Board on April 11, 1996. That meeting was attended by Mr. Horrocks, Supervisor Fox, and Chairman Bennett, as well as members of the Park and Recreation Board. Once again, Supervisor Fox made Mr. Collie aware of the 10 acre donation by Mrs. Finkelstein, and stated he was not interested in pursuing the review until the 10 acre issue was settled.

Supervisor Bennington asked what the recommendation of the Park and Recreation Board was. It appeared to Mr. Collie that the Park and Recreation Board was uncomfortable with making comments with regard to the plan because it was an informal sketch, and because Mr. Collie had brought it to them before taking it to the Planning Commission, which is normal procedure. The Park and Recreation Board seemed happy with having the recreational space combined together. Further, the Park and Recreation Board did not feel highly active recreation should be proposed because the area is located amongst three communities. No formal recommendation was given by the Park and Recreation Board. Mr. Collie then brought the sketch plan to the Planning Commission at their April, 1996 meeting, at which time Supervisor Fox once again reminded him that the plan would not proceed forward until the issue of the 10 acres was settled. The Planning Commission did discuss the plan at great length with Mr. Collie. The Planning Commission asked if five lots could be shifted or moved away from the playing fields. Mr. Collie advised the Planning Commission he would be happy to review the lot lay-out once again. The key recommendation from the Planning Commission seemed to be for the applicant to submit a formal sketch to Mr. Wynn and the Bucks County Planning Commission for a formal review. Discussion took place at the Planning Commission meeting regarding the use of open space, the fact that the school district owns the property behind the Finkelstein site, and the areas of wetland.

Prior to Heritage Building Group becoming equitable owners of this site, Supervisor Bennington stated Mrs. Finkelstein owned 51% and the trustees owned 49%. Therefore, the decision by Mrs. Finkelstein to donate 10 acres to the Township was not actually a valid offer until the trustees agreed with her or received compensation for the ground she intended to donate. Heritage Building Group became the equitable owner of the property on November 8, 1995, which means that Mrs. Finkelstein and the trustees no longer own that property. Supervisor Bennington wished to clarify that the last written or oral statement made regarding this entire issue was by Mrs. Finkelstein via her letter of withdrawal in 1994. Therefore, once Mr. Collie's group maintains control of that subdivision, Mrs. Finkelstein can no longer make decisions on that subdivision. Solicitor Grabowski noted those statements are correct. Mr. Collie presented a copy of the agreement of sale for the Board's review.

Supervisor Fox commented Mr. Collie is speaking of two separate properties being combined to provide a total recreation area of 10 acres. Mr. Collie stated that is correct, and in the spirit of compromise, Heritage Building Group has provided at least ten acres of recreational space in the same area. Mr. Collie noted Supervisor Fox has made the statement repeatedly that the recreational area should be located adjacent to the property

presently owned by the Township. Mr. Collie admitted that he is not providing ten acres from the Finkelstein parcel alone, because there are only 17 developable acres on that property. For the Finkelstein property, Heritage Building Group is only required to provide 2.5 acres under the Ordinance which is 15% of the open space. There is not 42 acres of usable land available on the Finkelstein property because the power lines area of 3.5 acres must be taken out. That would bring the site down to 36.5 acres, minus some other easements and rights-of-way. The Jager property consists of 27 acres of open space, of which 15% must be usable providing for 4 acres of recreational space. Heritage Building Group is willing to provide 10.5 acres of usable space for recreational purpose.

Supervisor Bennington stated that at this time, Mrs. Finkelstein can not make any decisions regarding the Finkelstein property because it is now owned by the Heritage Building Group. Mr. Grim agreed, stating Mrs. Finkelstein's only interest and the interest of the trustees at this point is to hold legal title as security for payment of the purchase price. Supervisor Bennington is very upset that the Township is not receiving the ten acre donation, however he understands the Township can not force the Heritage Group to provide the original ten acres as offered by Mrs. Finkelstein. Mr. Grim noted the negotiations which led to the agreement of sale to Heritage Building Group were very extensive, involving both Mrs. Finkelstein and the trustees. Mrs. Finkelstein and the trustees did revisit the issue at that time. Mr. Collie commented the Township will be getting a total of 42 acres of open space including the recreation area, between the Finkelstein and the Jager property.

Supervisor Bennington asked if there was any way Mrs. Finkelstein could have made this a binding ten acre agreement prior to a sale in equity to Heritage Building Group. Mr. Grim replied the only way to have anything binding would have been to have the Planning Commission and the Board of Supervisors approve a subdivision plan.

For the record, Supervisor Fox would like to play the tape of Mrs. Finkelstein's statement as of two weeks ago when the Township was informed that a letter withdrawing her original offer of ten acres existed. Supervisor Fox explained that Mrs. Finkelstein invited several people to her home two weeks ago to act as witnesses, and who did not join in asking her questions. Supervisor Fox strongly feels this tape recording should go into the record of this meeting. Chairman Bennett was present at the meeting with Mrs. Finkelstein and agreed that she had repeated several times that she wanted open space for playgrounds. However, Chairman Bennett noted that the meeting with Mrs. Finkelstein two weeks ago is now a moot point since Heritage Building Group has legally purchased that property. Supervisor Fox commented Mrs. Finkelstein approached him

about this matter because she trusted him, and because she genuinely wanted to donate acreage to the Township for a park in her husband's name. Mrs. Finkelstein repeated her wish to Supervisor Fox at least twenty times, and she also appeared twice before the Board of Supervisors to express her wish. For a time, Mrs. Finkelstein did not understand why the ten acre donation never happened and wondered what was delaying the process. Supervisor Fox does not understand why someone who owns 51% of a property, a portion of that land which Mrs. Finkelstein owned completely, would be required to pay 49% of the sale of that property back into the trust for her descendants.

Chairman Bennett noted most people interpret 51% as control in many situations, however he understands there is a difference if there is a trust agreement, as opposed to a stock agreement. Mr. Grim replied that is correct, and explained the Finkelstein property was owned as tenancy-in-common between the trustees and Mrs. Finkelstein. Mr. Finkelstein had arbitrarily made it 51% and 49%, though Mr. Grim is not sure why. The point is that neither joint tenant in a tenancy-in-common can convey clear title to a buyer without the joinder of the other. Therefore, Mrs. Finkelstein was powerless to do anything on her own, and the trustees knew they would be surcharged if they paid gifts when the trust instrument would not permit them to make gifts. This is why Mrs. Finkelstein had to go through the elaborate procedure to value the land, which caused considerable expense, delay, and frustration. Mr. Grim commented Mrs. Finkelstein is a wonderful, kind person and he is sure she would have liked to allow the ten acre donation to happen had it been economically feasible and had the Planning Commission been more cooperative. Supervisor Fox commented Mr. Grim, acting on behalf of Mrs. Finkelstein, had once stated that he would like the ten acre donation to be open space. At the time, Supervisor Fox advised the ten acres could not be considered a gift if the Township would be forced to swap land for land. Mr. Grim noted he had also made Supervisor Fox aware of the fact that Mrs. Finkelstein owned only 51%, not 100% of that property. Further, Mr. Grim thought he made Supervisor Fox aware of the fact that the only way Mrs. Finkelstein could get title to the remaining 49% of the trust would be to purchase it. The only way Mrs. Finkelstein could afford to purchase the trust would be through the remaining land. Mr. Grim felt the only way the remaining land would have value was if Mrs. Finkelstein got credit for the ten acres she proposed to donate to the Township or the open space, so that when a developer came along, he would get credit for that. As far as Mr. Grim is concerned the stumbling block to this entire transaction was that the Planning Commission would not agree to give any consideration whatsoever to Mrs. Finkelstein in her desire to donate ten acres to the Township. Supervisor Fox commented the issue of a swap was never mentioned at a Planning Commission meeting. Mr. Grim disagreed, and stated that the plan submitted

to the Planning Commission contained a note on the plan that Mrs. Finkelstein was to get a credit for ten acres of open space. Supervisor Fox stated that is true, however it was never discussed at a Planning Commission meeting. Mr. Grim knows it was mentioned many times by several different people, including Mrs. Finkelstein's engineer and legal counsel, however the Planning Commission chose to ignore the request. If it would have been mentioned, Supervisor Fox stated it would be part of the record and found in the Planning Commission minutes, which it is not. Supervisor Fox advised the Township Solicitor provided a copy of Mr. Herman Finkelstein's will, and Section 12.20 of that will states "To consent to any gifts made by my spouse during my spouse's lifetime, by executing Federal gift tax returns." Mr. Grim explained Supervisor Fox is reading that section incorrectly, and stated it refers to a tax clause dealing with transfers made by Mr. Finkelstein during his lifetime, which ended five years ago. Mr. Finkelstein's executor was empowered by that clause to join in gift tax returns with Mrs. Finkelstein for gifts they made jointly five years ago.

It occurred to Chairman Bennett that if the plan is recommended for approval by the Planning Commission, the ten acres might be known as a memorial to Mr. Herman Finkelstein. Mr. Collie would be happy to consider that request.

In order to show that he is not fabricating Mrs. Finkelstein's wishes, Supervisor Fox insisted that the tape recording made during the meeting with Mrs. Finkelstein two weeks ago be heard and become a part of these minutes. Chairman Bennett feels it is a moot point at this time and asked the Solicitor for his opinion. In 1994, the Township asked Solicitor Grabowski for a legal opinion regarding Mrs. Finkelstein's offer. Solicitor Grabowski provided an opinion in a letter dated August 3, 1994, which he believes has been substantiated by Mr. Grim and Mr. Collie. After he received a copy of Mrs. Finkelstein's letter of withdrawal from Mr. Collie, Solicitor Grabowski took it upon himself to contact Mr. Grim, who confirmed that the letter of withdrawal had indeed been executed by Mrs. Finkelstein. Solicitor Grabowski feels the entire issue is a moot point. Whether or not Mrs. Finkelstein had the intention of donating property to the Township, it was not financially possible and it was much more difficult that she may have understood when she first made the offer. Solicitor Grabowski noted he was not aware of the intent of any Township officials to visit Mrs. Finkelstein and their plans to tape record the conversation. Had Solicitor Grabowski been aware of this meeting, he would have advised Mrs. Finkelstein's attorney to be present as well. Solicitor Grabowski feels that playing the tape recording serves no useful purpose, and recommends that the matter be brought to an end.

Motion was made by Supervisor Fox to play the tape recording of the meeting with Mrs. Elizabeth Finkelstein concerning her intent to donate 10 acres of recreational land to Hilltown Township.

Supervisor Bennington does not dispute the fact that Mrs. Finkelstein wished to again offer the ground to the Township when Supervisor Fox, Chairman Bennett, and Mr. Horrocks visited with her several weeks ago. However, Supervisor Bennington also feels it is now a moot point, because as of November 8, 1995, Heritage Building Group became the equitable owner of the property. Supervisor Bennington made it very clear that he was not invited and did not attend that meeting with Mrs. Finkelstein. Further, Supervisor Bennington feels that playing the tape recording might raise legal issues that Mrs. Finkelstein's attorney or Heritage Building Group may pursue. Chairman Bennett agreed. There was no second to Supervisor Fox's motion. Motion denied.

Mr. Collie asked if the Board feels he may move forward with the plan for the Finkelstein property without showing a ten acre recreation donation to the Township. Supervisor Bennington commented the Board can not make a recommendation to the applicant until a formal plan is submitted for review by the Planning Commission. Solicitor Grabowski agreed.

The matter of a formal sketch plan submission and an escrow agreement was mentioned by Mr. Horrocks. Mr. Collie has the direction of the Planning Commission and acknowledged that he will do his best to revise the plans to their satisfaction. On a plan such as this, Mr. Wynn advised the Supervisors have required that an escrow be established in the amount of \$500.00 to \$1,500.00, with any unused fees being returned to the applicant. Mr. Wynn recommended a \$1,000.00 escrow be established for this plan, and noted that a more formal review benefits the applicant.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously for the establishment of a \$1,000.00 escrow for the Heritage Building Group plan.

*Chairman Bennett called for a five minute recess.

2. Deep Run Valley User Fee Request - Mr. Bill Smith, president of Deep Run Valley Sports Association, was in attendance to discuss user fees at the Civic Park. Mr. Smith advised Deep Run has made several requests this year to utilize the field for four baseball teams. Membership in the Deep Run organization continues to grow, with over 600 Hilltown Township families as members at present. There are 76 baseball and softball teams. Mr. Smith noted Deep Run is experiencing financial difficulties, like everyone else, and they are trying to cut costs as much as possible so that the funds can be put back into the organization for the

youth of the community. Deep Run is the largest youth recreational organization in this area, with over 1,000 softball/baseball players, and over 1,000 soccer players. Mr. Smith stated this organization has dedicated itself to provide the best opportunity they can for the youth of the community. Mr. Smith is requesting that the Board of Supervisors waive the user fees for the baseball field at the Civic Park for Deep Run's use for this year.

Chairman Bennett commented he was one of the four founders of the original little league in 1961. He was also a coach and a sponsor, and therefore he has some experience in these type of athletic organizations. Chairman Bennett explained the Township spent in excess of \$150,000.00 to construct that field with the land being donated by the Hilltown Civic Association. Since that time, a new Public Works employee was hired and a new tractor was purchased primarily to service that field. Last year, Deep Run requested the use of the field for 80 dates, and the Park and Recreation Board had recommended a user fee of \$3,000.00 for those dates. Deep Run then appeared at a Supervisors meeting to request a reduction of user fees, which was then reduced to \$1,500.00. Since field use dates were reduced to 40 due to rain outs, etc., the Township then dropped the user fees for Deep Run to \$1,000.00 for last season. Chairman Bennett felt this was more than fair, and was also unhappy that the Township did not receive those funds until very recently. This has been a tough year for the Township, due to winter storms and the related costs that go with that, including the purchase of materials and overtime dollars. Chairman Bennett noted the Township is tens of thousands of dollars over budget at present and he is very concerned, because he would like to avoid raising taxes. At this time, Chairman Bennett would not favor reducing the user fees to zero for Deep Run.

In the past, Supervisor Bennington has argued with his fellow Supervisors and the Park and Recreation Board because he simply does not agree with fees being charged to the Deep Run Valley Sports Association. Supervisor Bennington admitted he is slightly biased to Deep Run since he has been involved with them for fourteen years. Supervisor Bennington stated the residents of this Township, including those residents who belong to Deep Run, pay six mills in tax to re-pay a Bond Issue. A large portion of that Bond Issue went to create and furbish the Hilltown Civic Park. Members of Deep Run Valley Sports Association also pay a user fee for the use of their fields. Supervisor Bennington feels the Township is forcing Hilltown residents who belong to Deep Run to double pay taxes. Therefore, Supervisor Bennington would like to offer a compromise. Approximately 30% of the members of Deep Run are not Hilltown Township residents. Supervisor Bennington recommended the Township charge Deep Run only 30% of the current user fee structure for the use of the Civic Park field. In addition to that fee, Supervisor Bennington feels that Deep Run members should insure

that the field is in good shape before they depart after use. Further, Supervisor Bennington believes that Deep Run could also provide one thorough maintenance session at the park at the end of the season, under the supervision of the Township Manager or the Director of Public Works.

Supervisor Fox feels that the Township is not doing enough for it's citizens, and that part of what Deep Run is doing should have been the Township's job twenty years ago in creating recreation fields. Supervisor Fox also knows and understands the maintenance costs involved every time the field is used. Supervisor Fox would agree to Supervisor Bennington's suggestion, or if the Deep Run Valley Sports Association does not wish to pay that 30% user fee, then Supervisor Fox suggested that after all other organizations have scheduled their dates of use, Deep Run could have the remaining available dates. Chairman Bennett realizes that Deep Run is a non-profit organization, and noted this may cause another problem since there are other non-profit organizations in this area who will be asking for the same type of consideration that Deep Run has received. Chairman Bennett feels it would be difficult for the Township to establish one set of fees for a non-profit organization and then not automatically extend it to any other non-profit organization in the Township.

Mr. Nick Lupinacci, chairman of the Park and Recreation Board, explained the user fee schedule was designed as a basis for covering the operating costs of the parks. Therefore, if an organization requested the use of the field for games or practices, there was a cost directly related to the maintenance of the various playing fields. It was never the intention of the committee establishing these user fees to recoup the cost of the capital improvements at any of the parks. With no park and recreation tax in Hilltown Township, Mr. Lupinacci advised it was the immediate concern that the playing fields might begin to deteriorate, and therefore, the user fees were based on providing for maintenance of the fields. Two months ago, the Legion Baseball Team came before the Board with a request similar to that of Deep Run. At the time, Mr. Lupinacci agreed to negotiate with a representative of the Legion Baseball Team and a date was set to do that. Unfortunately, the applicant indicated they were withdrawing their application for use of the Hilltown Civic Park. Mr. Lupinacci is willing to do whatever is necessary to allow Deep Run to participate. Mr. Lupinacci does not feel the entire user fee cost can be waived for Deep Run, because as Mr. Smith noted, they do not have 100% membership from Hilltown Township residents. Mr. Lupinacci feels there must be a fee charged for that 25% or 30% Deep Run membership who are non-residents of Hilltown Township. Mr. Lupinacci advised the current user fee is \$30.00 per event, which is a three hour time span. If the Board chooses to reduce the fees to 30%, it would be \$7.50 per event for Deep Run Valley

Sports Association to utilize the Civic Park field.

Chairman Bennett initiated a discussion concerning taxes in Hilltown Township.

Chief Egly commented all three of his children were involved with Deep Run, and he feels that Deep Run provides an excellent service to the community. Chief Egly paid membership fees to Deep Run and he viewed it as Deep Run caring for his children and keeping them out of trouble. Chief Egly feels it was worth the extra money to pay Deep Run to help teach his children the right way to live. Supervisor Bennington agreed, and stated that if fees are raised for Deep Run members, many people will not be able to afford to enroll their children in athletic programs.

Mr. Horrocks suggested that he meet with both Mr. Smith and Mr. Lupinacci before the Board's next Worksession Meeting in an attempt to resolve this matter. The Supervisors were in agreement to this suggestion.

Chairman Bennett commented he would like to see practice sessions limited on the ballfield because it is a prime field and he would hate to have it torn up by practice sessions.

3. Mr. Dennis Livrone - Bucks County Planning Commission Wellhead Protection - Mr. Livrone previously appeared before the Hilltown Authority to discuss the Bucks County Water Supply Plan and model Well Protection Study that they were about to adopt approximately one year ago. That study has been completed, is currently in draft form, and has been submitted to the Department of Environmental Protection for review and approval. Mr. Livrone explained the Water Supply Plan of this document contains information concerning current and future viability of all public water supply systems in Bucks County. It also identifies needs and makes recommendations regarding certain actions and activities necessary to maintain an adequate public water supply. In the Wellhead Protection portion of this document, Mr. Livrone has applied a five step process to one municipal well in each of seven participating municipalities, including one well in Hilltown Township. When he appeared before the Authority a year ago, Mr. Livrone stated his committee would look at the three municipal public water supply wells in Hilltown. If Hilltown Township agreed to participate as a case study or a model community for the study, one of the wells would be chosen to do a delineation for wellhead protection. Mr. Livrone explained a wellhead is simply the point at which a public water supply well is exposed at the surface of the ground. This usually involves a freestanding pump, either fenced or encased in a building, or it may have some more elaborate protection afforded to it. The wellhead protection concept is to find ways of protecting the public water supply source from being

contaminated from the wellhead down into the aquifer or water supply. The committee's consultant assisted with the geologic and engineering portion of this study, and chose Hilltown Township's well #1 which is located near the Pleasant Meadows Subdivision along Pleasant Springs Creek. As required by D.E.P., six other municipalities were also chosen. Mr. Livrone stated the project was 80% funded by D.E.P. and 20% funded by Bucks County. The study required the review of one public water supply well in each hydrogeologic regime in Bucks County. Hilltown Township was chosen as an example of a municipality that was growing, yet relatively rural. Other communities which are more densely populated were also chosen, including Doylestown Borough, Milford Township, Warrington Township, Solebury Township, Riegelsville Borough, and Bristol Borough. Mr. Livrone presented an E.P.A. publication called "Protecting Local Groundwater Supplies Through Wellhead Protection" which is an excellent overview in laymen's terms of what is meant by wellhead protection. A community planning team was formed to define the land area to be protected, which can be found on page 7 of the E.P.A. publication. The circle around the well is what is called an arbitrary fixed radius, known as Zone #1. Zone #2, which is the oblong shaped area, is the area that detailed movement of groundwater. This was studied by the hydrogeologist of the consulting firm who determined it to be the area of influence towards which groundwater will move when it is pumping. There is also a zone #3 of wellhead protection that is not shown on the plan, which is more or less by topography or surface watershed of a tributary to that well. Mr. Livrone explained the reason these zones are important is that the Pennsylvania Safe Drinking Water Act has a requirement that new wells installed after October of 1995 must have Wellhead Protection Programs developed for those wells. Because Hilltown Township participated as a case study community in the Bucks County model study, Mr. Livrone noted the Township is now one step ahead of most communities in the County and the State in meeting the requirements of the Safe Drinking Water Act. In order to comply, Hilltown Township must still do a bit more to develop and implement a program which will require some additional commitment and effort on the Township's part.

The educational material Mr. Livrone has given the Board will provide information to determine what is required from this point forward as far as forming a community planning team within Hilltown Township, which would logically start with the Hilltown Authority, and possibly involve Planning Commission members, Supervisors, and the Township Solicitor. There is a model Water Supply Ordinance in the draft document, however Mr. Livrone has not provided the Township with a copy at this time because the document is still under review by the State. Once the State approves this document, Mr. Livrone will provide it to the seven model municipalities, which will show Hilltown Township's exact wellhead delineation for

well #1. At that time, Mr. Livrone would be willing to assist in moving forward with this five step process at the Township level for all of the Township's existing wells and certainly for future wells that have been planned for. Mr. Livrone is providing a copy of a sample Resolution that the committee is asking the seven participating municipalities to adopt. This sample Resolution states that it is Hilltown Township's intent to carefully consider the findings in the County study; to adopt and/or amend water supply policies from this study; and to consider adoption of Ordinance provisions to protect the public water supplies in Hilltown Township from contamination. The model Ordinance language merely amends existing Ordinances to address the idea of additional restrictions on development or different kinds of zoning requirements in Wellhead Protection areas to further protect groundwater supplies from contamination.

Chairman Bennett asked Mr. Groff if the Authority has any plans for new wells within the next two years. Mr. Groff replied there are no plans for new wells at this time, however there is a parcel in the Country Roads development that could possibly be considered after testing. There is also another property located on Minsi Trail which presently contains a standpipe that could possibly be considered.

Supervisor Fox asked Mr. Livrone if they have studied the Hilltown Authority well sites, and if so, if those sites complied with this Ordinance. Mr. Livrone replied only well #1 has been studied, and noted the only thing done with that well was to produce a computer model of how the water moves in the aquifer and how contaminants may move towards that water source. Mr. Livrone commented Wellhead Protection looks at surrounding land uses. If there appears to be threats from certain types of land uses or future land uses, such as commercial establishments, it would be very advisable to consider placing additional restrictions or requirements on certain commercial establishments because of its close proximity to a well. For the most part, Mr. Livrone noted Hilltown's wells are located in residential areas. Mr. Livrone advised this study is only for public water supply wells. Any well that is a public water supply well must be covered by a Wellhead Protection Program. Supervisor Bennington asked what would happen if the Township could not comply with the Wellhead Protection Ordinance requirements. Mr. Livrone replied the State only requires that the Township adopts a program, it does not dictate how stringent the program must be. Supervisor Bennington noticed the Wellhead Protection proposal does not encompass individual, private contaminated wells where the owner must seek an alternative source. Mr. Livrone agreed this program does not address individual, private wells because it is not yet a requirement of the law. Supervisor Fox felt this would create a bit of a problem because water is only found in certain areas of the Township, and therefore, if water is found in an industrial

area for instance, that new well may not comply with the Wellhead Protection Program requirements. Mr. Livrone stated that would be the worst case scenario, and common sense would dictate that the Township would not seek a new water supply in those areas unless it was a last resort situation.

Mr. Livrone would like the Board to review and consider the information provided this evening. Chairman Bennett noted the Township has committed to join the Wellhead Protection group in Telford. Mr. Livrone advised the progress of the Telford program is also being monitored by the Bucks County Planning Commission. In September, the Bucks County Planning Commission will be sponsoring a Wellhead Protection Seminar for municipal officials and the public, which will present more information and details.

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

1. Mr. Horrocks presented Calvary Church linens for signature following this meeting, and announced that the linens for Finkelstein, Pellow, Edmonds, and Loeffler must also be re-dated this evening.

2. Mr. Horrocks presented three escrow releases for the Board's consideration:

County Line Shopping Center	Voucher #08	\$	105.60
Country Roads Phase I	Voucher #50	\$	397.97
Gro-N-Sell, Inc.	Voucher #06	\$	164.61

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

3. At the April meeting of the Fire Prevention Bureau, all seven fire companies reviewed the Burning Ordinance. Only one change was recommended which is that instead of notifying the individual fire company prior to an open burn, notification will be given to the Hilltown Police Department, Monday through Friday, during the hours of 8:00AM to 4:30PM. If an open burn is to be scheduled during weekend hours, residents should contact the police department during normal business hours.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement for the amendment of the existing Burning Ordinance.

4. The Township has received a request from a resident who is attempting to sell his property which contains a non-conforming apartment. Upon review of the information supplied, Mr. Horrocks noted electric meters were installed in 1971, in 1978, and in 1982.

Perhaps over the next two weeks, the Board could discuss this matter with the Zoning Officer and at the Worksession meeting, direction could be given.

5. Bids were opened this afternoon for pipe to be installed on Cherry Lane between Bethlehem Pike and Cherry Road. Funds to pay for this project will come from Community Development Block Grant money. One bid was from Cayuga Concrete Pipe Company and one bid was from Pipe and Precast Construction Products. There were three items in the bid proposal, however Cayuga Concrete Pipe Company did not bid on all three items. Because Pipe and Precast Construction Products has bid on all three items, it is Mr. Horrocks recommendation that the bid be awarded to that firm. Mr. Horrocks noted this bid requires final approval from Community Development.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the bid from Pipe and Precast Construction Products, Inc. in the amount of \$6,076.60.

G. CORRESPONDENCE - Mr. Bruce G. Horrocks, Township Manager -

1. The Hilltown Township Water and Sewer Authority has formally withdrawn their land development plan in connection with the proposed water storage tank. During the original submission process, the Authority requested a waiver of land development fees. Mr. Horrocks recommended that the submission fee be refunded because the issue of land development was never truly addressed by the Supervisors or even by the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to refund the land development fee submitted by the Hilltown Township Water and Sewer Authority for the proposed water storage tank.

2. Requests have been received to waive Scout Cabin rental fees from two different organizations, Cub Pack #199 and the Life Skills Class at West Rockhill Elementary School.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the rental fees at the Scout Cabin for Cub Pack #199 and the Life Skills Class of West Rockhill Elementary School, pending receipt of a refundable security deposit.

3. The Township received correspondence from Florence Ammon of Bunny's Animal Shelter, advising that as of March 31, 1996, the number of dogs residing at the shelter was 137.

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

1. Solicitor Grabowski presented Resolution #96-15 for the Board's consideration. This resolution is for the acceptance of declaration of road frontage on Fairhill Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-15 for the Acceptance of Declaration of road frontage of Fairhill Road for the Myers/Edmonds Subdivision.**

2. Solicitor Grabowski presented Resolution #96-16 for the Board's consideration. This resolution is for the Declaration of Easement for right-of-way on Blooming Glen Road for the Blosser/Bryant Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-16 for the Declaration of Easement for right-of-way on Blooming Glen Road for the Blosser/Bryan Subdivision.**

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

1. A & T Chevrolet Waiver Request - Mr. Bruce Allen was in attendance to request a waiver of land development submission for a proposed 350 sq. ft. building addition at the A & T Chevrolet site. The Planning Commission unanimously recommended waiver of land development at the site conditional upon preparation and submission of a site plan which identifies all existing features and verifies conformance with the Zoning Ordinance requirements prior to issuance of a building permit.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant waiver of land development submission for the proposed 350 sq. ft. building addition of A & T Chevrolet, conditional upon preparation and submission of a site plan identifying all existing features and verifying conformance with Zoning Ordinance requirements prior to issuance of a building permit.

2. Bearings and Drives Ltd. (Joe Meg Associates) - The Planning Commission unanimously recommended this plan for preliminary approval conditional upon the following:

- Verification of approval of proposed sanitary sewer connection and capacity for Phase III should be received in writing from the Hilltown Township Water and Sewer Authority.

- Verification of approval of proposed water service design and capacity should be received in writing from the North Penn Water Authority.
- Plan should be submitted to the local Fire Marshall regarding site accessibility for proposed fire fighting purposes.
- Verification of approval of proposed erosion and sedimentation control facilities should be received in writing from the Bucks County Conservation District.
- Land Development/Financial Security Agreements should be executed between the applicant and the Township to guarantee installation of required improvement including but not limited to, modifications to the detention basin, erosion and sedimentation control facilities, and landscape plantings.
- Engineering and drafting details included within the engineering review dated April 4, 1996, should be addressed on the plan.

In addition, the Planning Commission unanimously recommended waiver of installation of cartway widening, curb, sidewalks, and storm drainage facilities along Bethlehem Pike and Cherry Lane as may be required by Sections 505, 506, 512, and 513 of the Land Development Ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to the Bearings and Drives plan, pending completion of all outstanding items as noted above, and granting the waivers for installation of cartway widening, curb, sidewalks, and storm drainage facilities along Bethlehem Pike and Cherry Lane as required.

3. Crist Minor Subdivision - This is a two lot subdivision of what was formally the Finkelstein Subdivision and is located on Green Street. One lot consists of 14.9 acres, and contains an existing pole building and a driveway access. The new building lot is a 10 acre flag lot which will also contain on-site water and sewer. The Planning Commission unanimously recommended preliminary/final plan approval to the Crist Minor Subdivision, conditional upon the following:

- Plan must be revised to include a note indicating that prior to construction of the driveway access for Lot #2; and prior to construction of a dwelling on Lot #1, a Township Road Occupancy Permit must be received for construction of driveway access for Lots #1 and #2 on

to Green Street. The note should further specify that driveways must be paved in accordance with Township driveway specifications (at a minimum, to the ultimate right-of-way line).

- Pursuant to Section 522 of the Subdivision Ordinance, concrete monuments should be installed at all property corners and the plan should be revised to reflect same. Certification should be received from the responsible surveyor prior to plan recordation indicating that concrete monuments have been set in accordance with information on the plan.
- Planning Modules must receive approval from the Township and the Department of Environmental Protection.
- Applicable plan notifications contained within Appendix "B" of the Subdivision Ordinance should be included.
- Note #8 on the plan should be revised to reference Section 521 of the Subdivision Ordinance.
- A wetland investigation and certification should be received to determine the presence or not of wetlands for construction of the driveway access on Lot #2. If wetlands are found on the site and are potentially impacted by construction activity, appropriate permits should be obtained from D.E.P. and/or the Bucks County Conservation District as applicable.

In addition, the Planning Commission unanimously recommended waiver of installation of curb, sidewalk, street trees, cartway widening, and buffer yards along the frontage of the site as may be required by Sections 506, 512, 513, and 515 of the Subdivision Ordinance; waiver from stormwater management as the applicant indicates a minimal amount of impervious surface will result in the subdivision due to large lot sizes; and a waiver from depth to width ratio of Section 504.2.K of the Subdivision Ordinance, due to the large tract sizes on condition that the properties are deed restricted from further subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary/final plan approval to the Crist Subdivision, pending completion of outstanding items and granting waivers as specified above.

4. Off-the-Wall Company, Inc. - Mr. Wynn advised this plan was unanimously recommended for final plan approval by the Planning Commission, conditional upon the following:

- In accordance with Section 523 of the Zoning Ordinance, the developer must enter into a written agreement with the Board of Supervisors providing for the reduction in the number of parking spaces shown on the plan. The agreement shall require that one (1) year following the issuance of the last occupancy permit, the additional parking spaces shall be provided at the expense of the developer or owner, should it be determined by the Township that the required number of spaces are necessary to satisfy the needs of the particular use.
- A copy of the storm drainage agreement between the applicant and Paul and Elizabeth Wismer has been submitted with the final plan. The agreement provides for the interconnection of storm sewer facilities proposed on the plan and outfall of the detention basin located on the adjacent Wismer property. The agreement has been executed by Mr. and Mrs. Wismer, however, a copy of the fully executed document should be submitted for Township records.
- Financial Security and Development Agreements should be executed between the applicant and the Township to guarantee installation of all required improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Off-the-Wall Company plan, pending completion of all outstanding items as noted above.

5. Grasse Minor Subdivision - The site is located on Telegraph Road, just south of Rt. 113. The applicant is proposing to subdivide off a ten acre parcel which will include the existing house, barn, and the bulk of all improvements on the property, though the pond is not included. The balance of the tract, which is almost 52 acres, is not proposed for development at this time. This plan was unanimously recommended for final approval by the Planning Commission conditional upon the following:

- Planning Module for land development, or waiver of Planning Modules must be approved by the Department of Environmental Protection.
- Plan should be revised in accordance with Section 522.2 requiring concrete monuments at all the corners of lots within the subdivision. Certification should also be received from the responsible surveyor prior to plan recordation indicating that the concrete monuments have been set in accordance with the information on the plan.

- The plan should be revised to include the following minor requirements of Section 402:
 - a. Boundary must be shown as a solid, heavy line.
 - b. Professional seal of the individual certifying the accuracy of the plan in compliance with applicable standards.
 - c. Datum to which the contour elevations refer and benchmark.
- The addition of a note on the plan which states that in the event Lot #2 is further developed, improvements may be required along Telegraph Road along the frontage of Lot #1.
- Dedication of right-of-way on Lot #1 and Lot #2 as an easement.

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

6. H.T.W.S.A. Water Tank - As previously mentioned, this plan was withdrawn.

7. Agricultural Security Area - Mr. Wynn advised information concerning the Agricultural Security Area is not available for the Board's review at this time.

8. St. Philip's Church Land Development - At the last meeting, the St. Philip's Church Land Development plan was tabled by the Supervisors pending receipt of the Bucks County Planning Commission review. That review was received today containing no negative comments. While this plan was submitted as a preliminary plan, Mr. Wynn noted the Hilltown Planning Commission recommended both preliminary and final approval because there were not a great deal of outstanding items. This plan proposes a 4,574 sq. ft. addition to the church which is located at the intersection of Clearview Road and Sunny Road. Additionally, a stone parking area is shown with 37 spaces proposed. The original plan contained a proposed addition, although it was smaller. Also, that plan was approved over five years ago, and therefore the planning period has expired. Improvements along Clearview Road included cartway widening, curb, and street trees, which were installed during the subdivision process of this property. Street trees were also installed along Sunny Road as well. The site is served by public water and sewer facilities, with sewer facilities provided by the Hilltown Authority and water facilities provided by North Penn Water Authority. The Planning Commission recommended preliminary/

final approval subject to the following conditions:

- The new Subdivision/Land Development Ordinance requires that a parking area for a non-residential facility be paved. The applicant is showing a stoned parking area and indicated they would like to pave that area, however it is cost prohibitive at this time. The applicant has requested, and the Planning Commission recommended approval to delay paving for up to two years, providing the applicant escrows funds through the Township to guarantee that improvement.
- The applicant has requested a waiver of sidewalks.
- Approval from the North Penn Water Authority and the Hilltown Township Water and Sewer Authority for public water and sewer facilities; as well as verification of adequate capacity.
- Verification of approval from the Bucks County Conservation District for Erosion and Sedimentation Control measures.
- There are nine parking lot trees required to be installed. Rather than executing a Development Agreement for nine trees, the Planning Commission recommended those trees be required to be installed prior to the issuance of an Occupancy Permit for the new addition.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary/final approval to the St. Philip's Church Land Development, subject to completion of all outstanding items.

J. ENGINEERING: None.

K. RESIDENT'S COMMENTS:

1. Mr. Matthew Wall of 504 Keystone Drive was in attendance upon the advice of Mr. Nace, the Zoning Officer. Mr. Wall owns an existing non-conforming detached one car garage. It is Mr. Wall's intent to expand this garage from a one car garage to a two car garage. Mr. Wall is seeking direction as to how to proceed with this proposal. Mr. Wall explained the existing garage is located one foot away from the property line. Mr. Horrocks asked if the proposed addition is still within the setback. Mr. Wall replied that it is. Mr. Wall presented a sketch plan showing the existing garage and his proposal for the site. The Board reviewed the sketch plan and could not determine what the problem was with the applicant's request. Supervisor Fox asked why Mr. Nace sent Mr.

Wall to the Board of Supervisors. Without reviewing the zoning permit application, Mr. Horrocks has no idea. It is very possible, however, that the addition itself is still within a side, or front, or rear yard setback. If the existing garage is within one foot of the property line, and is 15 ft. wide, Mr. Horrocks noted that if the proposed addition is 16 ft., it may still be in a side yard, or rear yard, or front yard setback. Supervisor Fox asked Mr. Wall how far the inside existing garage wall is from the side property line. Mr. Wall replied it is approximately 15 or 16 ft. away. Supervisor Fox believes this is a matter for the Zoning Hearing Board.

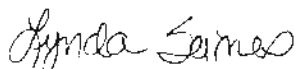
Mr. Horrocks reminded the Board that until a zoning permit application and fee is submitted, any direction given is not official. Supervisor Fox agreed. When the applicant submits his zoning permit application, Mr. Horrocks suggested Mr. Wall ask Mr. Nace to review Section 601 of the Zoning Ordinance for interpretation of his application.

L. SUPERVISOR'S COMMENTS: None.

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 April 22, 1996 Board of Supervisors Meeting was adjourned at 10:42PM.

Respectfully submitted,



Lynda Seimes
Township Secretary