

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, September 25, 1995
7:30PM

The regularly scheduled public meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

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

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

A. APPROVAL OF MINUTES:

Action on the minutes of the August 28, 1995 Board of Supervisors Meeting: Supervisor Fox noted the following corrections:

- page 9, first paragraph, should read "...Geodetic Service to test wells in the area to determine if the limit has been reached where we must go from **ground water to surface water.**"

- page 9, third paragraph, second line from the bottom of paragraph, should read "Supervisor Fox noted the Township Engineer **and the Township Solicitor** do not normally attend Worksession meetings."

- page 18, third paragraph, last line, should read "**There was no sign permit obtained by the applicant. If there is any alteration to a sign, a sign permit must be obtained from the Township.**"

Motion was made by Supervisor Fox, and seconded by Chairman Bennett, to approve the minutes of the August 28, 1995 Board of Supervisors meeting, as corrected. Supervisor Bennington abstained from the vote because he was not present at the August 28th meeting.

Action on the minutes of the September 11, 1995 Worksession Meeting: Supervisor Fox commented at the September 11th meeting, Mr. John Snyder read a letter which he wished to have become a part of the minutes, and to which Supervisor Fox had stated he would respond to at a later date. However, Supervisor Fox believes he has addressed that Zoning Hearing Board decision in the previous minutes of August 28, 1995. Supervisor Fox finds it incredulous that someone would put that material into a letter, as Mr. Snyder

did. Supervisor Fox feels sorry for Mr. Snyder and the residents of Hilltown Township, because this letter means we are "de-planning" this Township. Zoning exists for planning, in order to make it work. Supervisor Fox feels Mr. Snyder is not following the Ordinances as he should as an appointed official, and has taken over the responsibility of hearing appeals of the District Court, and in this one case, the Court of Common Pleas, because they had not yet acted on it. Supervisor Fox stated it is the Board of Supervisor's job to enforce the Ordinances we have created, as well as the State Ordinances from which they have come. Since the Supervisors do not do this, Supervisor Fox feels zoning is "out the window" at this point. Supervisor Fox believes Mr. Snyder's letter on the Pileggi Zoning Hearing speaks for itself.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 11, 1995 Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated September 26, 1995, with General Fund payments in the amount of \$18,365.99, and State Highway Aid payments in the amount of \$14,571.14, for a grand total of all funds in the amount of \$32,937.13.

Chairman Bennett questioned the bill in the amount of \$941.60 from Souder, Rosenberger, Bric for legal services. Mr. Horrocks replied that bill was for the Adams Outdoor Advertising Zoning Hearing.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated September 26, 1995, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager - Mr. Horrocks presented the Treasurer's Report with the following balances as of September 25, 1995:

General Fund Checking Account	\$ 60,478.35
Payroll Checking Account	\$ 435.51
Fire Fund Checking Account	\$ 56,506.41
Debt Service Investment Checking Account	\$ 101,606.53
State Highway Aid Checking Account	\$ 88,882.68
Escrow Fund Checking Account	\$ 128,118.23

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated September 25, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Steve Moyer - Estate of Herbert Hager - Mr. Moyer represents the estate of Mr. Herbert S. Hager, deceased. Mr. Hager owned a 15 acre tract of ground on Rickert Road which is the remaining parcel in his estate. Mr. Moyer has experienced some difficulty disposing of this parcel. One of the executrixes of the estate is Stella Dye, who is present this evening. Mr. Moyer explained this particular parcel is Lot #3 of a three lot subdivision approved by this Board in 1991. The front two lots, Lots #1 and #2, consisted of approximately 1 acre each and presently have homes on them. The lot in question, Lot #3, consists of 15 acres and has some frontage on Rickert Road, but is largely to the rear of the site. The problem Mr. Moyer has with selling this property is due to a water restriction which was placed in record in 1991. This restriction requires that if Lot #3 is developed, the developer would be required to install a community water system, thereby tying into Lots #1 and #2. Lots #1 and #2 contain existing wells and Mr. Moyer has obtained the consent of the owners of both those properties, stating they wish to continue with existing on-site wells. An interested party has agreed to purchase Lot #3, subject to the condition that Mr. Moyer obtain approval from the Township to allow them to construct one dwelling on this 15 acre lot, without having the requirement of installation of a community water system for Lots #1 and #2. Mr. Moyer feels this request is in order because the only other offers for this property have been from developers who have the wherewithal to install a community water system for Lots #1 and #2, as well as homes several on Lot #3. It is Mr. Moyer's inclination to sell this property to someone who will farm it and maintain it with a single dwelling. Since Mr. Moyer has obtained the consent of the owners of Lots #1 and #2, he is hoping the Board will consider amending the restrictive covenant to make it clear that if one home is constructed on Lot #3, that owner would not be required to install a community water system. Mr. Moyer fully agrees that if more than one dwelling is constructed on Lot #3, the restrictive covenant should be strictly adhered to. Further, Mr. Moyer spoke to the owners of both Lots #1 and #2 who advised they have experienced no difficulties with their wells. Mr. Moyer mentioned one of those lots is presently having a dwelling constructed on it, although the well has been drilled and the flows have been tested.

Supervisor Fox believes that when the first home was constructed, the applicant asked for relief until another dwelling was constructed. Mr. Wynn noted the subdivision plan and documents that were filed at the time allowed the first two dwellings to be constructed with individual wells, later to be provided with central water connection to further development on the larger lot. Supervisor Bennington feels the Board must follow the Ordinance,

in order to avoid setting a precedence for other similar situations, such as the Phinney Subdivision. If the Board allows the Hager Subdivision a waiver of this requirement, they must also allow the Phinney Subdivision the same courtesy. Supervisor Bennington sympathizes with Mr. Moyer's plight, however he believes the Zoning Ordinance must be followed. Supervisor Fox agreed.

If that is the case, Mr. Moyer stated that the present buyer, who was going to construct one house and utilize one well, will no longer be interested. Mr. Moyer will be forced to turn to the interested developer, who will maximize the use of the property and maximize the number of lots. Mr. Moyer does not feel that would be in the best interest of the Township. Unfortunately, Supervisor Bennington commented, the Board must look at "the big picture" in order to keep the best interest of all Township residents at heart.

Personally, Chairman Bennett does not see a problem with this request. The Township Ordinances can not possibly address each individual circumstance. Chairman Bennett would prefer to see one home on 15 acres with an individual well, rather than four homes with a community well on 15 acres.

Mr. Moyer thanked the Board for their consideration.

2. Mrs. Betty Pfeil - Hilltown Historical Society - Mrs. Pfeil, as a member of the Hilltown Historical Society, made a request for Community Development Funds. Mrs. Pfeil understands there is approximately \$90,000.00 available from the Community Development Block Grant. Mrs. Pfeil gave a brief history of the Hartzel-Strassburger House, which was built in 1772 by Michael Hartzel. It is the first house of Georgian Architecture in the Bux-Mont area and the site includes a tenant house on a total of six acres. Mrs. Pfeil believes that if the outside of the house is not repaired and secured, it will deteriorate even faster. This house has had no major repairs since 1930. There is no heat in the building and water pipes are clogged. The house was acquired 17 years ago by the Historical Society. The Hilltown Historical Society is 20 years old, and is a breakaway from the Civic Association during the bicentennial celebration. The Historical Society has used Community Development funding for the log building at the Civic Field and for brick work which has begun on the Hartzel-Strassburger home. The intent of the Historical Society is to eventually turn the Hartzel-Strassburger House over to the Township.

Chairman Bennett explained the Township gets Community Development Block Grant Funds occasionally, with this one being in the amount of \$89,000.00, covering a three year period. These funds can only be utilized for certain purposes, such as road repairs in certain portions of the Township and historical projects. Mr. Horrocks

reminded the Board that they can not make any decision since there is an advertised Public Hearing scheduled for Saturday, September 30, 1995 at 9:00AM.

Supervisor Bennington, as a historian who has a masters degree in history, understands the importance of repairing the Hartzel-Strassburger Home, yet as a taxpayer, he would also like those funds to be applied towards repairing Township roads. Mrs. Pfeil suggested that the funds be divided between both projects. Supervisor Bennington asked if \$45,000.00 would be enough for the Hartzel-Strassburger property. Mrs. Pfeil feels it would help. The building desperately needs a roof, and Mrs. Pfeil believes a roof would cost less than \$45,000.00. Supervisor Bennington wondered if the Hartzel-Strassburger Estate, with even \$200,000.00 or \$300,000.00, is salvageable at this point in time. At present, Mrs. Pfeil believes it is, however if the building is not repaired soon, it will not be salvageable. Supervisor Bennington noted the Township just put \$90,000.00 into the Hartzel-Strassburger Estate for re-pointing, which has now become a legal issue.

Supervisor Fox commented this is the last of the three year period for the \$89,900.00. The repair of three roads and a bridge are outside the area so they would not be funded. That would be \$45,000.00 off the total. The Community Development Block Grant has a special section for historic preservation, however the entire amount the municipality receives must go towards that. The Township could then apply for any extra funds which are needed to complete the work. Supervisor Fox noted there is \$50,000.00 for the two roads which have been approved; and for the bridge and Schoolhouse Road, there was \$45,000.00, that will not be approved. Supervisor Fox advised the Township presently gets Liquid Fuel Funds for road repairs. The way things have been changing, there may be a great deal less, if any, of Community Development funds available in the future. Supervisor Fox believes the Township presently receives approximately \$166,000.00 of Liquid Fuel Funds, which will always be available.

Chairman Bennett asked if Supervisor Fox's comment that only so much of the funding can be spent on road repair was true. Upon investigation, Mr. Horrocks replied Schoolhouse Road and the bridge on Schoolhouse Road are out of the district, however there are a great deal of roads within the district that would be covered. Chairman Bennett is not aware that the Hartzel-Strassburger property has ever been open to the public, nor has the log cabin which was moved from the Musselman Farm to the Civic Field several years ago. Chairman Bennett understands the artifacts and paintings within the Hartzel-Strassburger property are in very poor repair, and also believes the tenant house, located next door, was leased for 8 years on a rent free basis. Further, Chairman Bennett is not aware of any efforts on the part of the Historical Society

to raise funds on their own to preserve this property. At this moment, Chairman Bennett is still reviewing the matter carefully in order to be fair, however he has a difficult time justifying any significant funding for the Historical Society project. Also, the Township is presently in a legal battle because of a \$23,000.00 bid award which was made on Community Development Funds to the same site several months ago. The Community Development Block Grant Public Hearing will be held this coming Saturday, at which time the Board will give consideration to both proposals.

Supervisor Fox stated many of the comments Chairman Bennett just made were inaccurate, and asked if Chairman Bennett believes in historic preservation. Chairman Bennett feels the site should be turned over to the Bucks County Historical Society who are experts in the field and who also have funds available. Supervisor Fox advised the Bucks County Historical Society owns no buildings except for the Mercer Museum Spruance Library. The material given to the Mercer Museum is sold so that the museum can continue operation. Historic properties can not be sold or given as gifts in the Hilltown Historical Society's bylaws.

Mrs. Jean Bolger asked how many active members there are in the Hilltown Historical Society. Supervisor Fox replied there are a couple hundred members, with approximately 20 active members. Mrs. Bolger asked how much there is in the treasury. Supervisor Fox believes there is a few thousand dollars. Mrs. Bolger asked how those funds have been raised. Supervisor Fox replied the funds are from dues, investments, and donations. The Historical Society also has some CD's, and bills are paid from the interest of those CD's. Most of the membership consists of residents who are 50 to 85 years old, with mostly senior citizens as active members. The younger people do not seem to show interest in historical preservation. Mrs. Bolger asked what expenses this organization has. Supervisor Fox replied there are bills for maintenance of the Hartzel-Strassburger property, telephone charges, electricity, a burglar alarm system, and insurance. Mrs. Bolger agreed with Chairman Bennett, stating that if the Township grants these funds to the Historical Society, then the buildings should be publicly accessible to the residents of this Township. Mrs. Bolger feels there should be some sort of return from the Historical Society. Supervisor Fox noted that was the original idea, however the building is in such poor shape inside and out. Mrs. Bolger asked how long the Historical Society has owned the property. Supervisor Fox explained the building has been owned since 1989, however they have had it since 1978. Mrs. Bolger asked if the building was open to the public during that time period. Supervisor Fox replied the building had been open to the public when it was in better repair.

Mrs. Shirley Gregory has been a resident of Hilltown for 17 years and has lived in older communities in the past, with each one

having its own Historical Society. Those groups raised funds by conducting house tours. Mrs. Gregory was inside the Hartzel-Strassburger Home once, however she does not feel its existence is very well publicized. Mrs. Gregory is a member of the Historical Society and feels thought should be given to preserving this and other historical properties in Hilltown Township.

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

1. Mr. Horrocks announced that anyone who wishes to express their opinion concerning the Community Development Block Grant should be present at the Public Hearing scheduled for Saturday, September 30, 1995 at 9:00AM.

2. Mr. Horrocks advised the Board recently interviewed candidates for the vacant position on the Zoning Hearing Board. Supervisor Bennington commented the Board interviewed five young, very qualified Township residents who were interested in this position.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to appoint Mr. Tim Browning to the vacancy on the Zoning Hearing Board.

Chairman Bennett noted Mr. Browning has had previous experience on Zoning Hearing Boards and Planning Commissions in both Perkasio and Dublin Borough. The Supervisors welcomed Mr. Browning to the Zoning Hearing Board.

3. Mr. Horrocks presented the following fourteen escrow releases for the Board's approval, five of which are cash held by the Township:

Brickajlik (Quarry Road)	Voucher #02	\$	140.70
Brickajlik (Quarry Road)	Voucher #03	\$	9,744.82
Bricks Villa	Voucher #04	\$	1,742.70
Bricks Villa	Voucher #05	\$	61,691.40
Country Roads Phase I	Voucher #44	\$	831.30
Country Roads Phase II	Voucher #13	\$	1,335.45
Country Roads Phase II	Voucher #14	\$	14,634.00
Deerfield	Voucher #9A	\$	60.95
Derstine Land Development	Voucher #05	\$	248.65
Hilltown Hunt	Voucher #05	\$	1,922.75
Quiet Acres Mobile Home Park	Voucher #13	\$	24,683.99
Spur Road Associates	Voucher #03	\$	1,901.80
WaWa, Inc.	Voucher #05	\$	159.60
WaWa, Inc.	Voucher #06	\$	5,406.76

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the release of the

fourteen escrows as noted above.

4. For the Board's information, the Township received the 1995 Foreign Fire Fund money today in the amount of \$65,593.84, which is an increase of \$3,587.00 from last year. The Township has 60 days to disburse these funds to the fire companies. Mr. Horrocks will present recommendations for reimbursement to the Supervisors in order to deal with the increase.

5. The Township received PennDot permits and condition diagrams for the two Hilltown Crossing traffic signals located on Rt. 309.

6. Mr. Horrocks requested Board approval to make a withdrawal from the 1989 Bond Fund in the amount of \$63,000.00 which covers capital expenditures for park expenses for 1995. Mr. Horrocks expects no further park costs in 1995. After this withdrawal, there will be approximately \$25,000.00 to \$30,000.00 remaining in the 1989 Bond Fund.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize release of \$63,000.00 from the 1989 Bond Fund to pay for 1995 park expenditures.

7. A meeting was held last week with the U.S. Department of Interior Bureau of Reclamation who are involved in the Dublin TCE site, Phase II. There is now a time table and they are currently working on the engineering drawings of the water system which will be supplied to the Quarry Road and Rickert Road residents with affected wells. The Township is required to provide right-of-ways along Quarry and Rickert Roads. The construction is expected to begin in May of 1996, and the projected completion date is September of 1996. The Bureau of Reclamation, which is the civilian version of the Army Corp. of Engineers, who has subcontracted to E.P.A., will be designing the project.

8. Mr. Horrocks has been working on updating the Agricultural Security Area. The committee has scheduled a meeting on October 19, 1995 and the Supervisors are welcome to attend.

9. Mr. Horrocks is seeking Board approval to advertise a joint bid for 500 tons of rock salt along with East Rockhill Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement of the joint bid for rock salt for the 1995/1996 winter season.

10. Mrs. Alice Kachline recently submitted a letter of resignation from her position on the Planning Commission, effective

as soon as a replacement is found. Supervisor Fox believes the position must be advertised. The Board directed Mr. Horrocks to advertise for the vacancy on the Planning Commission.

11. The Township has advertised for positions on an Impact Fee Advisory Committee, with only one interested individual responding, however Mr. Horrocks does not believe that person qualifies since he is a member of the Water and Sewer Authority. Supervisor Fox noted the law states that less than half of the committee may be comprised of members of the Planning Commission. Solicitor Grabowski stated that employees or officials of the Township may not be a member of the Impact Fee Advisory Committee, however since this individual is a member of the Water and Sewer Authority, he is not necessarily an official of the Township. Solicitor Grabowski explained that Pennsylvania passed a law which states the Township can determine, on a municipal basis, whether or not to assess impact fees to development on traffic impact. The established committee, in conjunction with a traffic engineer and other professionals, would assess the Township and create traffic districts to determine whether there could be an upgrade to the traffic infrastructure for that particular district. As a result of that, the committee would attempt to assess fees towards any future development in that district or any development that may impact on that district. The Advisory Committee shall consist of no fewer than seven and no more than fifteen members, all of whom shall serve without compensation. The governing body of the municipality shall appoint as members persons who are either residents of the municipality or who conduct business within the municipality and are not employees or officials of the municipality. Not less than 40% of the members of the Advisory Committee shall be representatives of the real estate, commercial, and residential development and building industries. The municipality may also appoint traffic or transportation engineers or planners to serve on the advisory committee, provided the appointment is made after consultation with the Advisory Committee members.

12. Several meetings ago, the Board authorized Mr. Horrocks to advertise for professional auditing services. That bid has not yet been advertised and it is not a State requirement to do so. Since that time, Mr. Horrocks advised the Township received a three year proposal from Neissen, Dunlap, and Pritchard. Mr. Horrocks read the following from the quote received from N.D.P., which states "We would like to point out that due to the improved management and operating efficiencies now in place in Hilltown Township, we have been able to reduce our fees for audit services." Mr. Horrocks noted that statement is solely because of Mrs. Lorraine Leslie, Bookkeeper, who does things in such an efficient manner that the auditors do not have to spend as much time at the Township. Because of that, Mr. Horrocks stated N.D.P.'s quote for

1995 is \$9,300.00. In 1994, the fee was \$9,950.00. Mr. Horrocks is looking for direction from the Board as to whether they would like to accept N.D.P.'s bid, which is legal, or if the matter should go out on bid.

Chairman Bennett commented that Neissen, Dunlap, and Pritchard were retained by the Township at a time when our financial affairs were in bad shape, and since that time, they have done an excellent job. Particularly in review of the proposed fee reduction, Chairman Bennett recommended the Township retain N.D.P. for auditing services. Supervisor Bennington agreed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Neissen, Dunlap, and Pritchard to conduct a three year audit for the years of 1995, 1996, and 1997.

13. Correspondence has been received from New Britain Township, who recently ran a traffic study on Upper Stump Road. That traffic study has recommended a reduced speed limit of 45 m.p.h.. Currently, that speed limit is not posted, which means it is 55 m.p.h.. Mr. Horrocks asked the Board's authorization to advertise an Ordinance reducing the speed limit on Upper Stump Road to 45 m.p.h..

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize advertisement of an Ordinance reducing the speed limit on Upper Stump Road to 45 m.p.h..

14. Mr. Horrocks received the original written decision of this Board in the B.O.C.A. Appeal for Blooming Glen Restorations, which will be available for signature following this meeting.

G. CORRESPONDENCE:

1. The Senate Local Government Committee has finally approved a revised Second Class Township Code which will be voted on in the near future.

2. The House Local Government Committee is considering action which would allow Supervisors compensation to increase by 25% in all population categories beginning new terms in January of 1996.

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

1. Solicitor Grabowski presented agreements relating to Hilltown Crossings Shopping Center. The Land Development and

Financial Security Agreements have been prepared. The Financial Security Agreement is a cash escrow with Nations Bank located in Baltimore, Maryland, in the amount of \$2,045,900.00. The Land Development Agreement approval contained the following:

"Hilltown Crossings Ltd. Partnership shall install the Pennsylvania Department of Transportation required and approved traffic signals and devices at the intersection of Orvilla Road and Pennsylvania Rt. 309, to improve and widen Orvilla Road, to change the grades of portions of Orvilla Road, and to relocate utility poles as described and depicted upon the engineering plan, a copy of which construction plan is incorporated into the agreement. The owner further hereby agrees and covenants for itself, its successors and assigns, that it shall be financially responsible for the continued cost of operation and maintenance of the traffic signals and facilities. Operation and maintenance shall include but is not limited to electrical service, maintenance normally associated with traffic signals, line striping, insurance premiums, and any deductibles for liability or property damage insurance coverage. Any cost, invoice or charge received by the Township shall either be paid by the owner directly, or reimbursed to the Township by the owner. Any payment relating to this paragraph that may be made by the Township which are not paid by owner, may be assessed by Township against the real estate owner as a municipal lien.

The additional paragraph concerned the contribution that was incorporated from the owner's attorney's correspondence, dated April 20, 1995, which was incorporated into the agreement. This paragraph states:

"Further, the owner acknowledges with the execution of this agreement that it has included within its cost estimate and escrow fund, a contribution of \$150,000.00 to the Township for General Fund purposes. The contribution may be offset by the expenditures of owner for the actual design and actual construction costs of the required sanitary sewer line to be constructed by owner for the purpose of providing public sanitary sewer service to properties north of the subject site. Said expenses shall require prior approval of Hilltown Township in order to insure that said costs are reasonable and normal costs associated with the scope of work necessary. The excess of the contribution minus said cost, shall be drawn by the Township from the escrow fund pursuant to the Financial Security Agreement described in paragraph five of the agreement."

Solicitor Grabowski advised the Land Development Agreement has been executed and notarized by Hilltown Crossings Ltd. Partnership, and the general partner is Hilltown Crossings Corporation, which is the Wolfson Group representative. The Land Development Agreement has

been signed and notarized and the Financial Security Agreement has been executed by the owner and by the bank. The owner has also supplied a Declaration of Easement for roadway frontage.

There are three items that the Township has not yet received, including the insurance certificate which is required for this project. Correspondence was received from the attorney stating that the insurance certificate will be hand delivered to the Township tomorrow. Further, the Financial Security Agreement, although it has been executed by the bank and the owner, the bank's signatures are not notarized. Solicitor Grabowski is sure it is purely an oversight, however technically he can not identify the signatures of the bank. It is also the requirement of the Township that the legal expenses of preparing documents be paid at the time of preparation of the agreements, though that has not been accomplished. It is Solicitor Grabowski's recommendation that the Board give conditional approval to authorize the signatures of the Land Development and Financial Security Agreements, and to pass a Resolution accepting the Declaration of Easement, to be conditioned on the owner accomplishing those three remaining items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize execution of the Financial Security and Land Development Agreements for Hilltown Crossings; and to adopt Resolution #95-42 to accept the Declaration of Easement for Hilltown Crossings Corporation, conditioned upon completion of the three outstanding items as noted above.

2. Mr. Horrocks presented linens for signature for Hilltown Crossings following this meeting.

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

1. Bethlehem Pike Business Park (Preliminary) - Mr. Wynn advised this plan proposes eight industrial lots off Bethlehem Pike on a new cul-de-sac street, which is to be curbed and constructed to Township standards. The lots are served by public water and public sewer from the Telford Borough Authority. There is limited capacity available for the lots, however there is a provision in the Planning Modules which will allow the installation of temporary holding tanks if capacity is not available at the time of construction on any of the lots. At present there is one EDU per lot in reserve for construction.

The Planning Commission recommended final approval subject to the following conditions:

- Planning Module approval must be received in writing from Pennsylvania Department of Environmental Protection.

- Verification of approval of proposed public water system design and availability of capacity must be received in writing from the Telford Borough Authority.

- Site entrance includes an increased radius of curvature to permit removal of the deceleration lane proposed on the preliminary plan. The design includes installation of a traffic control island at the intersection to limit vehicular movements as well as painted stop bars, revision to the center lane on Bethlehem Pike to provide a painted left turn lane for northbound traffic, and gore markings. A mechanism should be established with the applicant/future owners such that same are responsible for costs associated with future maintenance of the painted facilities. (Upon acceptance of the proposed public street, the Township will be responsible for annual painting of the gore markings, stop bars, etc.).

Solicitor Grabowski feels it would be easier to establish a fund initially since it would be an accounting nightmare for the Township staff to prepare yearly bills, especially if funds are to be collected from more than one property owner.

- Verification of approval of proposed street improvements along Bethlehem Pike must be received in writing from PennDot.

- Verification of approval of erosion and sedimentation control measures to be implemented on the site must be received in writing from the Bucks County Conservation District.

- Location and type of street lights must be resolved in a manner satisfactory to both PP&L and the Township.

- Property monumentation required along the outboundary of the site must be installed prior to plan recordation and certified in writing by the responsible surveyor.

- A financial security and land development agreement must be executed between the applicant and the Township to guarantee installation of all "public" improvements.

- All easements/rights-of-way to be dedicated to Hilltown Township must be accomplished in a manner satisfactory to the Township.

- Verification of approval must be received from PP&L for construction of the detention basin within the right-of-way.

Supervisor Bennington felt a \$10,000.00 fund should be established by the developer which will self-perpetuate to pay for the painting of the stop bar and gore markings. The Board was in agreement. In

the event the owner does not agree to the capital contribution, Mr. Wynn suggested the Board revise the plans to implement preliminary plan improvements to the roadway in order to include the deceleration lane and the relocation of the utility pole, as necessary.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox to grant final plan approval to the Bethlehem Business Park with the conditions as specified by the Planning Commission, to include a \$10,000.00 contribution to be established which will self-perpetuate to pay for the markings to be painted each year, and to revise the plans to implement preliminary plan improvements to the roadway in order to include the deceleration lane and the relocation of the utility pole, as necessary.

2. Pellow Subdivision (Minor) - This is a two lot subdivision located on South Perkasio Road in the area of the Hilltown Water and Sewer Authority well. One of the items on this plan which was a concern to the Authority was the proposed construction of a dwelling in the vicinity of their well. Mr. Wynn understands that matter has been resolved with a buffer being provided as shown on the plan around the Authority well site. Some notes have also been added to the plan which includes buffer requirements and indicates that the purpose of the subdivision is to remove the restriction regarding Lot #2 only, which is the restriction against that parcel becoming a building lot. The restriction for Lot #1 will remain in that it will not be permitted to be a separate building lot. This goes back to the 1977 subdivision, where both those notes were verbatim from the Township Solicitor's office.

The Planning Commission unanimously recommended final plan approval to the Pellow Subdivision, subject to the following conditions:

- Verification of approval and availability of capacity for public water and sewer for Parcel #2 should be received in writing from the Hilltown Township Water and Sewer Authority. (Correspondence was received from HTWSA dated September 18, 1995 which advises that public water and sewer capacity is available and that both the sewer reservation fee and water tapping fee have been paid in full).

- Ultimate right-of-way of South Perkasio Road should be dedicated to the Township as offered by Note #5 on the plan.

- The proposed dwelling shown on Parcel #2 should be removed from the subdivision plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final approval to the Pellow

Subdivision, with the conditions as specified above.

3. PECO Subdivision (Minor) - This plan previously received final plan approval by the Board of Supervisors, however the plan was never recorded. The site is located on Limekiln Pike, just north of New Britain Township. A majority of the property is the PECO transmission line. There is a portion of the property south of the transmission line, on the east side of Rt. 152 which is proposed as a single family building lot to be sold from the rest of the property. When the plan was previously approved, it included a retention basin to manage a very small amount of additional run-off due to the construction of the single family dwelling. Since that plan approval, Mr. Wynn explained the Township adopted the Neshaminy Creek Stormwater Management Ordinance exempting this development from construction of a retention basin because the total impervious surface is less than 10,000 sq. ft.. The plan was then resubmitted by PECO with the only revision being the removal of the retention basin.

The Planning Commission unanimously recommended final approval of the PECO Subdivision, subject to the following conditions:

- Rt. 152 (Limekiln Pike) right-of-way should be dedicated to the Township as offered by note #3 on the plan.

- Verification of approval of proposed erosion and sedimentation control measures to be implemented on Lot #2 should be received in writing from the Bucks County Conservation District.

- Verification of approval of proposed driveway access to Lot #2 should be received in writing from PennDot via a Highway Occupancy Permit.

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

- Signature and seal of the licensed surveyor responsible for the plan should be included on the plan.

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

4. Carson Services, Inc. (Final) - Mr. Wynn advised this plan was preliminarily approved by the Supervisors. The plan proposes a two new buildings to be constructed on the site, with one being a small engine testing facility. The Planning Commission unanimously recommended final plan approval to the Carson Services

plan, subject to the following conditions:

- Right-of-way area of Blooming Glen Road should be dedicated to the Township in accordance with Section 403 of the Subdivision Ordinance.

- Financial security and land development agreements must be executed between the applicant and the Township to guarantee installation of public improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final approval to the Carson Services plan, with the conditions as specified by the Planning Commission.

5. Elysian Fields (Extension) - Mr. George Collie of Heritage Building Group, Inc., was present at the Planning Commission meeting to request an extension in the five year period from preliminary plan approval permitted under the Municipalities Planning Code in order to complete improvements at the Elysian Fields Subdivision. Mr. Collie had indicated that Heritage Building Group, Inc. was purchasing the land (settlement is scheduled for October 6, 1995) and desires the plan approval to be extended for financial reasons. Mr. Collie indicated that he intends to submit revised plans for all single-family dwellings. The Planning Commission unanimously recommended an extension of up to two years in the Municipalities Planning Code time-frame for completion; with the understanding that the applicant will revise the plan to all single family dwellings.

Mr. Collie was present this evening to request the Board's assistance in getting a two year extension of the Elysian Fields plan. The final plan was approved in December of 1993, with the last revision being made in February of this year by the H.T.W.S.A. engineer. The project is for 59 units, twelve proposed as single family homes with one containing an existing dwelling, and 47 townhouse units. Mr. Collie advised he is making this request for an extension for accounting purposes only. The applicant will be back before the Township within the next few months to revise it to all single family dwellings, totally in compliance with the new Zoning Ordinance. Mr. Collie believes the M.P.C. allows the Township to provide one re-approval on the life of a plan. A copy of the approved plan was presented to the Board for their review.

Upon the advice of Solicitor Grabowski, Chairman Bennett called for a five minute recess.

During the recess, Solicitor Grabowski advised the Board of some legal matters pertaining to this project. The Supervisors requested evidence of ownership by Heritage Group, Inc. for this

particular project to show that Mr. Collie has the authority to request an extension on this approved plan or authorization from the legal owner to do so. Mr. Collie explained the circumstances involved with the pending purchase of this property. Mr. Collie would be happy to supply the information the Board has requested. Discussion took place concerning how best to proceed with this matter. Solicitor Grabowski would not recommend that the Board grant conditional approval this evening, without knowing anything more about the project. The Board of Supervisors is meeting on Saturday, September 30, 1995, in order to discuss the Community Development Block Grant and Mr. Horrocks suggested that an advertisement be placed in the newspaper advising the Board may take possible action on the Elysian Fields extension request as well. The Board was in agreement. Mr. Collie offered to pay the cost of the newspaper advertisement.

Mr. Wynn commented that the Planning Commission's recommendation for a two year extension is with the understanding that the applicant will revise the plan to all single family dwellings; however Mr. Wynn would like the Board to be aware that such a condition does not obligate the applicant to change his plan in any way.

6. Myers Subdivision (Prel./Final) - The Myers Subdivision is located on Rt. 113, near the village of Blooming Glen. The plan proposes a lot line adjustment. The Planning Commission unanimously recommended preliminary and final plan approval, subject to the following conditions:

- Site date on the plan indicates water service as "on-site." Mr. Wynn's office recommends that the note be revised to indicate that Lot #2 is served by an existing well and further be expanded to indicate that Lot #2 must be served with public water pursuant to Section 502 of the Zoning Ordinance unless a variance is received from the Township Zoning Hearing Board. The Planning Commission recommends that the wording relative to water service for Lot #2 be reviewed by the Township Solicitor and approved by the Board of Supervisors.

Discussion took place concerning the wording for this proposed note on the plan. Solicitor Grabowski feels Mr. Wynn has adequately described the issue, that Lot #1 is to be served by an existing well, and Lot #2 must be served by public water prior to the issuance of any building permits, pursuant to Section 502 of the Hilltown Township Zoning Ordinance. Further, the sentence which states "...unless a variance is received from the Hilltown Township Zoning Hearing Board." is certainly descriptive and explains to any buyer as to where they must go to get relief from these requirements. If the Zoning Hearing Board denies the applicant's request, Supervisor Bennington noted that Lot #2 is a

non-buildable lot.

- A Class "C" buffer yard must be shown and installed along the frontage of Lot #2. Plan must be revised to identify the 75 ft. wide buffer yard and plant materials. Applicant is encouraged to provide informal groupings of required plant material rather than strict conformance to plant material spacing indicated in Table 509.2.2.

- Note must be added to the plan to alert the future buyer of Lot #2 of the requirement to obtain a Highway Occupancy Permit from PennDot for driveway access onto Rt. 113.

- Ultimate right-of-way area of Rt. 113 has been offered for dedication to the Township and should be accepted in accordance with Section 403 of the Subdivision Ordinance.

- Verification of approval of proposed public sewer connection should be received in writing from Hilltown Township Water and Sewer Authority for Lot #2.

- In accordance with note #4 on the plan, the area to be conveyed from TMP #15-29-23 to TMP #15-17-65 should be conveyed in common deed with a single outboundary description.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary/final plan approval to the Myers Subdivision, pending completion of all outstanding items as listed above, with particular emphasis on the fact that the note must be included regarding water service to Lot #2.

7. Waste Management (Preliminary) - Mr. Wynn advised this proposed land development is located on Progress Drive. The applicant has proposed a truck storage facility and a container facility located up the street from Waste Management at the end of the cul-de-sac. There are two retention basins proposed, one near the storage container area, and one which will collect water from the parking area and building. The site is proposed to be serviced by public sewer extension along Progress Drive by the Telford Borough Authority. Public sewer extension is proposed to be installed along the shoulder of the road.

Mr. Wynn noted correspondence has been received from Waste Management, dated August 28, 1995, requesting a waiver from Section 404, 510, and 511 of the Land Development Ordinance relating to cartway widening, curb, and storm drainage along the frontage of the site on Progress Drive. The revised plan includes installation of a PennDot Type 1 stabilized shoulder along the frontage of the site and installation of a PennDot Type 1 shoulder on the north

side of Progress Drive in the area of the proposed sanitary sewer line extension. In the event full roadway improvements are not required along the frontage of Progress Drive, Mr. Wynn recommends the installation of Type 1 shoulder be modified such that the shoulder installation on the south side of Progress Drive terminates at the existing Type "C" inlet located on the Progress Drive curve; while the Type 1 shoulder on the north side of Progress Drive be extended northeast around the Progress Drive curve to the approximate driveway entrance on the parcel opposite the subject site (driveway entrance not shown on the plan). The installation of the Type 1 shoulder on the north side will provide protection to the edge of the roadway along the "inside" of the curve. The Planning Commission unanimously recommended that the area to be sealed and receive the shoulder treatment extend down to and terminate at the existing inlet, which would remove a small section, then be extended all the way up the side of the road to a driveway which enters another site. Mr. Wynn explained the purpose of that is based upon his recommendation to protect the inside of the curb where trucks tend to drive off the edge of the roadway. Initially, the applicant expressed concern that they were improving not only their side of the road but also the opposite side of the roadway, however once the applicant realized that the majority of trucks traveling this road enter their site, they were agreeable.

The Planning Commission recommended preliminary plan approval subject to conditions in the engineering review dated September 12, 1995. Major outstanding items include receipt of general permits for wetland road crossings, erosion and sedimentation control approval for the entire site disturbance, Planning Module approval for the sanitary sewer extension and capacity for the site, Telford Borough Authority approval for both water and sewer capacity service, dedication of the ultimate right-of-way of Progress Drive to the Township, signage for the parking lot area, easements being dedicated to the Township for the emergency access to the retention basin on the site, and execution of a development agreement to guarantee the public improvements, and several miscellaneous engineering details.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to the Waste Management Land Development plan, subject to the satisfactory completion of the sixteen outstanding items contained within the engineering review dated September 12, 1995.

8. Calvary Church (Preliminary) - Mr. Wynn explained the preliminary plan submitted on February 6, 1995 was unanimously recommended for denial due to non-compliance with minimum requirements for preliminary plan submission as contained within Section 302 of the Land Development Ordinance. The motion made by

the Planning Commission provides that in the event a written extension in the review period is received for a period of not less than 90 days, the denial action is voided. However, the Planning Commission indicated they will act on the submitted plan in the event revised plans are not received within the extended 90 day period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Calvary Church plan, unless a 90 day extension is received prior to the expiration of the current extension.

9. Additionally, the Planning Commission requested Mr. Wynn to bring a motion to the Board's attention which took place at their meeting held on August 21, 1995, requesting that the Board of Supervisors hire an outside expert who can determine whether or not the Township may charge developer fees necessary to conduct all studies (water studies, traffic studies, environmental studies, etc.) in the future, in order to give the Township an unbiased decision. This motion was approved by a 4 to 3 vote.

Supervisor Bennington cited the approved Planning Commission meeting minutes of August 21, 1995, and the approved Supervisors Worksession meeting minutes of September 11, 1995, stating he is confused as to what actually happened at those meetings. Supervisor Bennington read a section of the August 21, 1995 Planning Commission meeting minutes on page 18, which states:

"Mr. Beer wondered why the Township Solicitor can not be asked the question, and commented "If the Township Solicitor can not answer the question, then it is time to get another one." Mr. Fox feels an expert who knows more about municipal law than our Solicitor, should be retained to deal with the matter. Mr. Phillips noted the second he made to Mr. Fox's motion did not qualify who should be reviewing this proposal and refused to play games with the matter. Mr. Fox stated he would then rescind his motion because he does not believe the Township Solicitor is an expert in municipal law. Chairman Barclay advised there was a motion on the floor and asked if there was any further discussion. Mr. Fox, Mr. Phillips, Chairman Barclay and Mr. Coyne were in favor of the motion. Mr. Beer, Mrs. Kachline, and Mr. Rice were opposed. Motion passed: 4:3. To clarify, Mr. Phillips refused to participate in a game of saying the Township Solicitor is or is not competent, nor did he specify who, as far as legal counsel, should be retained. Mr. Phillips stated the motion was merely recommending that legal counsel be hired to review the matter. Mr. Fox disagreed, stating his motion was specifically for an expert to review the matter."

The way Supervisor Bennington understands it, on August 21, 1995,

Mr. Fox said that the Township Solicitor is not competent to deal with the question that was asked, and the motion that was made was an illegal motion because Mr. Fox rescinded that motion before it was voted on. Further, Supervisor Bennington cited the September 11, 1995 Board of Supervisors Worksession meeting minutes, which were approved this evening, where he personally stated that he wholeheartedly supports Solicitor Grabowski, who is a fine municipal lawyer, and at which time, the minutes clearly reflect that Chairman Bennett and Supervisor Fox agreed with that statement. Supervisor Bennington is very confused by these conflicting statements. Apparently, Mr. Wynn explained some of the Planning Commission members felt that portions of the Planning Commission minutes of August 21, 1995, were either not complete or were not clear and he was asked to bring this particular motion to the attention of the Board of Supervisors. Mr. Horrocks asked if the Planning Commission made any corrections to the August 21, 1995 minutes, since they apparently felt they were incorrect or incomplete. Mr. Wynn replied that there were no corrections made to those minutes. Supervisor Bennington noted those minutes then stand since no corrections were made and therefore, they were approved as written. Chairman Bennett is also confused, and stated he does not like approving a recommendation by the Planning Commission that was made by a 4-3 vote. Supervisor Fox explained that what tends to happen with the Planning Commission is that a motion is made, and then other Planning Commission members begin to add or subtract language to that motion before a vote is taken. Supervisor Fox felt this particular Planning Commission is worse than anything he has ever seen when it comes to overriding motions. Supervisor Bennington asked Mr. Wynn if he felt this motion was a valid motion or if it was indeed rescinded. Mr. Wynn understands that the Planning Commission members believe this motion was passed. Supervisor Bennington felt the minutes were quite clear and that the motion was rescinded. Solicitor Grabowski has no idea whether this motion is considered valid or not. Regardless, Solicitor Grabowski stated he has not been asked to give his opinion as to whether the Township may charge developer fees necessary to conduct all studies in order to give the Township the ability to make decisions, and noted the answer is yes, the Township can charge developer fees. If the Board would like Solicitor Grabowski to tell the Planning Commission that, he would be more than happy to give a written opinion to that effect. Chairman Bennett believes it is evident that the Township can do that because it has been done by other municipalities. Solicitor Grabowski advised Hilltown Township has done it in the past, stating there have been incidents in the last 10 to 15 years in which the Township has retained professional consultants to give opinions. For example, on the study of water, Mr. Wynn is a professional consultant and he gives his opinion to the Board every day concerning plans, as does Solicitor Grabowski with regard to subdivision/land development matters. Of course, these opinions

must be given within reason, and the Township may not preclude a developer from using his own experts. Solicitor Grabowski commented there was some language contained in the Planning Commission minutes that discusses the possibility of precluding a developer from bringing in their own consultants. This can not be done legally, because it is a denial of due process and a denial of equal protection.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to direct the Township Solicitor to appear at the next Planning Commission to express his views and provide his professional opinion concerning this matter to the Planning Commission.

10. The Planning Commission and the Board of Supervisors are in receipt of a second draft of the proposed Subdivision/Land Development Ordinance. A possibility that was discussed by the Planning Commission was to send the proposed Subdivision/Land Development Ordinance to the Bucks County Planning Commission for their review. Additionally, the Planning Commission recommended that the Township Solicitor should review this draft Ordinance as well.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to authorize that the draft of the proposed Subdivision/Land Development Ordinance be submitted to the Bucks County Planning Commission, as well as to the Township Solicitor for review.

Since draft #2 was completed, Mr. Wynn noted there was a revision to Section 525. Rather than re-printing the entire document, Mr. Wynn presented a copy of the revised Section 525 to the Board of Supervisors.

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

1. Simons Act 537 Plan Revision - Mr. Wynn sent correspondence to the Board, dated September 14, 1995, concerning the Simons Act 537 Revision. At the Supervisor's meeting of February 27, 1995, the Board discussed the Act 537 plan revision for two small flow treatment facilities for two single family dwellings, providing an operations and maintenance agreement with a financial security agreement being executed. Mr. Wynn noted the financial security agreement required a deposit of \$2,500.00 for each lot. Correspondence dated September 6, 1995 was forwarded to the Township from the surveyor who has prepared the Planning Modules on behalf of the applicant. The applicant is requesting that they be permitted to execute an operation and maintenance agreement without any financial security, that the Township approve and forward the Planning Modules to D.E.P., and that the financial

security not be required until the issuance of the building permit. As indicated in Mr. Wynn's correspondence of September 14, 1995, he does not recommend granting this request because the requirement to post that security in the future may be forgotten. It has been the policy of the Township in the past to require the \$2,500.00 at the time of the signature of the operation of maintenance agreement. Mr. Wynn is bringing this matter to the Board's attention because the applicant has actually submitted four sets of Planning Modules and the Township must either act on those Planning Modules within 60 days of receipt or notify the applicant that they are incomplete. It is Mr. Wynn's recommendation that the applicant be notified that the Planning Modules are incomplete because there is not an executed operations and maintenance agreement with financial security.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize notification to the applicant of the Simons Act 537 Revision that the submission of their Planning Modules is incomplete because they have not executed an operation and maintenance agreement acceptable to the Township, and have not provided the financial security as required by the Township.

2. WaWa - All improvements required by the financial security/development agreement for WaWa regarding their expanded parking lot and relocation of the retention basin have been accomplished. Mr. Wynn recommends acceptance of completion of the improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept completion of the improvements for WaWa, Inc..

3. Mr. Horrocks announced semi-annual road inspection will be held on Saturday, October 7, 1995 at 7:30AM.

K. RESIDENT'S COMMENTS: None.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington does not subscribe to the Intelligencer newspaper, however he was told by several people that Supervisor Fox has made statements about him in that newspaper. The statement Supervisor Bennington is speaking of was "I don't think we have enough brain power on this Board." Supervisor Bennington noted he personally has two Masters degrees and Chairman Bennett has a Masters degree in Business Administration from Harvard Business School. Chairman Bennett and Supervisor Bennington, when this Township was suffering severe financial problems, spent many, many long hours here at the municipal

building. Chairman Bennett, in particular, gave more of his time, without payment, than Supervisor Bennington cares to mention. Supervisor Bennington was outraged that Supervisor Fox would say that there is not enough brain power on this Board. The whole newspaper article makes Supervisor Bennington angry and he felt it was a smoke screen for what he considers Supervisor Fox's blatant attempt to have two more Board members. Supervisor Bennington recalls a time when Mr. Fox was the chairman of his election campaign, stating he had a great deal of respect for Mr. Fox at that time, believing he had the best interest of this Township at heart. However, Supervisor Bennington is very opposed to five supervisors because he feels it is a blatant attempt to grab power for Supervisor Fox. If Supervisor Fox could show Supervisor Bennington that it would benefit this Township to have five supervisors, he would gladly support this suggestion. Supervisor Bennington was very upset about the newspaper article because he feels it insults him personally and insults his intelligence. Supervisor Bennington commented he does not look out for the best interest of a few, but rather he looks out for the best interest of all 12,000 residents.

2. To partially reinforce Supervisor Bennington's comments, Chairman Bennett stated the Board received an interesting letter from a very responsible member of this community. Supervisor Fox commented that particular individual must be present to have his correspondence placed in the record of this meeting. If Chairman Bennett reads the letter from Mr. Carney at this meeting, Supervisor Fox noted he would reveal Chairman Bennett's part in the Hilltown Crossings plan. Chairman Bennett proceeded to read the correspondence.

3. Supervisor Fox stated Hilltown Crossings has obtained approval from both the Board of Supervisors and the Planning Commission, and feels the developer is laughing because they got away with giving this Township almost nothing. Supervisor Fox was appalled that Chairman Bennett voted to approve a plan that was not even properly presented to the Supervisors. Supervisor Fox agreed that Supervisor Bennington was out of town at the time and was not aware of what happened. Supervisor Fox stated this has never happened in the twenty years that he has been a member of the Planning Commission and does not think that it has ever happened before. Of course, Supervisor Fox noted, if you are a friend of Mr. Bennett, you can do anything. Supervisor Fox stated there has been an infraction in what goes on in the minutes. The minutes are supposed to be for what has happened. Chairman Bennett commented there is correspondence read every week. Supervisor Fox intends to see that everyone knows that Chairman Bennett takes care of his friends. Chairman Bennett challenged Supervisor Fox to substantiate that statement. Supervisor Fox noted that Mr. Carney is Chairman Bennett's friend. Chairman Bennett replied he never

met Mr. Carney until approximately 3 years ago, and he has never socialized with Mr. Carney. Chairman Bennett stated Mr. Carney is merely an acquaintance of his.

Motion was made by Supervisor Bennington to authorize the Township Solicitor to take information to the Pennsylvania Attorney General's Office to investigate this situation of Mr. Fox's insinuations of implied threats against him. In the past, Supervisor Bennington stated he was willing to take a lie detector test and wants to have these insinuations straightened out once and for all. Chairman Bennett seconded the motion. Supervisor Fox felt it was a wasted motion since he has already provided the information to the Office of the Pennsylvania Attorney General, however he agreed to go along with the motion. The motion carried unanimously.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the September 25, 1995 Board of Supervisors meeting was adjourned at 10:15PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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