

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, September 11, 1995
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:40PM and opened with the Pledge of Allegiance.

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

Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to interview candidates for the vacancy on the Zoning Hearing Board. A decision will be rendered at the September 25, 1995 meeting.

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated September 12, 1995, with General Fund payments in the amount of \$102,916.76; State Highway Aid payments in the amount of \$432.95; and Escrow Fund payments in the amount of \$21.45; for a grand total of all funds in the amount of \$103,371.16.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated September 12, 1995, subject to audit.

B. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT - Mr. Jim Groff, Operations Manager - No one was present from the Water and Sewer Authority. The Authority Report for the month of August, 1995 is on file at the Township office.

C. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby - Mr. Buzby read the Public Works Report for the period of August 6, 1995 through September 2, 1995, which is on file at the Township office.

D. POLICE CHIEF'S REPORT - Chief George C. Egly - Chief Egly read the Police Report for the month of August, 1995, which is on file at the Township office.

Since the Supervisors authorized police overtime to write tickets for truck traffic on Fretz and Middle Road, Supervisor Bennington asked how many citations have been written. Chief Egly believes 67 violations were written in that area, and noted the contractor for the Dublin road construction was also recently ticketed.

Supervisor Bennington asked the status of the traffic signal at Rt. 113 and Diamond Street. Mr. Horrocks explained PennDot has conducted a traffic study, agreeing with the Supervisors that a traffic signal is warranted, and at present, the Township is waiting for an updated condition diagram. Supervisor Bennington was very unhappy with the delay and asked if PennDot will be liable if there are any traffic accidents at that intersection between now and when the traffic signal is erected. Chief Egly believes the Township would be named in any lawsuit resulting from an accident at that intersection, regardless of whether PennDot has erected the traffic signal or not. As soon as the condition diagram is received from PennDot, Mr. Horrocks noted the traffic signal will be bid.

A speed check was run on Green Street between Rickert and Mill Roads, with 14 citations issued for speeding. Of the fourteen citations issued, five were Township residents, and the top speed was 81 m.p.h..

With regard to police vehicles, Chief Egly explained it is no longer possible to obtain Chevrolet Caprices. It will cost approximately \$600.00 more to purchase Fords, however 1995 vehicles, which are in stock now, can be leased for \$770.00 per month, until the first of January, 1996. The total price to purchase the vehicle in January is \$16,608.00. Next year, that same vehicle will cost \$21,208.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize leasing two 1995 Ford police vehicles until January, 1996, when they will be purchased outright.

E. ZONING OFFICER'S REPORT - Mr. Nace was not present this evening. The Zoning Report for the month of August is on file at the Township office.

F. PARK AND RECREATION REPORT - No one was present from the Park and Recreation Board.

G. HILLTOWN FIRE CHIEF'S REPORT - No one was present from the Hilltown Fire Department. The Hilltown Fire Report for the month of August is on file at the Township building.

H. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - The Emergency Management Coordinator was not present this evening.

I. CONFIRMED APPOINTMENTS:

1. Mr. John Van Luvanee - Residents of Bypass Road - Mr. Bob Wendig, a resident of Bypass Road, explained Mr. Van Luvanee could

not be present this evening due to prior commitments. Mr. Wendig asked the Supervisors if they will allow the residents of Bypass Road to address the concerns of the Phinney Subdivision at their meeting on September 25, 1995. Mr. Wendig presented correspondence from Mr. Van Luvanee for the Board's review. The Board of Supervisors have until September 29, 1995 to make a decision on the Phinney Subdivision. Mr. Wendig asked if the Board would consider delaying their decision on the Phinney Subdivision until the September 25, 1995 meeting.

At the last meeting, Supervisor Fox explained that Mr. Phinney had agreed to pay for the attendance of the Township Engineer and the Township Solicitor at this worksession meeting, since the applicant's attorney could not be present at the September 25, 1995 meeting. The Township Engineer and the Township Solicitor do not normally attend the worksession meeting. Supervisor Fox noted the Board had agreed to make a decision concerning the Phinney Subdivision this evening. Mr. Wendig argued that the Supervisors did not state they would make a decision this evening, rather they would hear Mr. Clemons case tonight because he could not be present at the September 25th meeting. Since the legal counsel for the residents of Bypass Road could not be in attendance this evening, Mr. Wendig asked that they be afforded the same opportunity as Mr. Clemons. Supervisor Fox noted the difference is that Mr. Phinney has hired a court stenographer to transcribe the meeting tonight and has agreed to pay for the attendance of both Mr. Wynn and Solicitor Grabowski. Further, Supervisor Fox did not feel it was fair that Mr. Clemons would not be in attendance at the September 25th meeting to respond to the legal counsel for the residents of Bypass Road. Mrs. Jane James, a resident of Bypass Road, was present at the last meeting, and feels that since consideration was given to Mr. Clemons' schedule, then consideration should be given to the residents of Bypass Road as well. Supervisor Fox does not feel this matter should be delayed any longer, and he feels the Board is very aware of the facts of this case. Supervisor Fox does not believe that Mr. Van Luvanee can change the facts in this case. Mrs. James replied the fact is that the Board of Supervisors made a decision for a centralized water system for the Phinney Subdivision on January 23, 1995, and overturning that decision, in Mrs. James opinion, would be a moot point at this juncture. Supervisor Bennington offered a compromise that Mr. Clemons make his case tonight, since Mr. Phinney has hired a stenographer and has agreed to pay for the attendance of Mr. Wynn and Solicitor Grabowski. Then on September 25, 1995, the resident's legal counsel may appear before the Board, with a decision being rendered following Mr. Van Luvanee's statements. The residents of Bypass Road were agreeable.

2. Mr. Terry Clemons - Phinney Subdivision - Mr. Clemons was not present at this time.

3. Mr. Steve Moyer - Estate of Herbert Hager - Mr. Horrocks believes there was a misunderstanding concerning Mr. Moyer's appearance this evening, and advised Mr. Moyer would be present at the September 25, 1995 meeting in order to discuss the estate of Herbert Hager.

4. Mr. John Snyder - Zoning Hearing Board - Mr. Snyder wished to respond to statements and accusations made by Supervisor Fox at the August 28, 1995 meeting of the Board of Supervisors, concerning the Hilltown Township Zoning Hearing Board and a decision the Zoning Hearing Board made on the Pileggi appeal. (A copy of this written statement is attached to these minutes). Mr. Snyder advised this statement is his personal response and not that of the Zoning Hearing Board, as a whole. Also, Mr. Snyder advised he did seek independent, outside counsel before making these comments concerning Supervisor Fox's statements.

Mr. Snyder's statement follows:

- Statement and accusation by Mr. Fox: The 30 day time period to appeal the decision had expired before the zoning application was received by the Township.

Fact: The decision by District Justice Gaffney was signed on March 15, 1995. The application to the Zoning Hearing Board was received by the Township on April 11, 1995. This is less than 30 days - 27 days to be exact.

- Statement and accusation by Mr. Fox: The Zoning Hearing Board should not have heard the appeal because it was already on appeal in the court of common pleas.

Fact: District Justice Court is not a court of record. (By that statement, Mr. Snyder meant a stenographic record is not kept). When a decision is appealed to the Court of Common Pleas, the entire case must be reargued before a judge. Although an appeal had been filed with the Court of Common Pleas, no action had been taken by that court at the time of the Zoning Hearing Board hearing. Both of these items are moot points because Mr. Pileggi did not appeal to the Zoning Hearing Board From the District Justice's ruling. (Mr. Snyder commented Mr. Pileggi's application clearly states exactly what he applied to the Zoning Hearing Board for).

- Statement and accusation by Mr. Fox: The applicant is building a shopping center.

Fact: Mr. Pileggi submitted a site development plan to the Planning Commission and the Board of Supervisors. The deli is located in one of the buildings proposed on that plan. The plan

was approved by the Hilltown Township Planning Commission and the Board of Supervisors for the multiple uses because it predated the change in the PC-II Zoning. This approved site development plan was signed by Mr. Fox who was chairman of the Hilltown Township Planning Commission at the time of plan approval.

- Statement and accusation by Mr. Fox: Pizza is fast food (E6 zoning classification) not retail store (E1 zoning classification).

Fact: E1 allows the selling of foodstuffs. The Ordinance does not say all foodstuffs except pizza or hot dogs or hamburgers or french fries, it simply says foodstuffs. Therefore, it does not exclude any type of food. Mr. Pileggi sells a large variety of foods, not just pizza. Following Mr. Fox's line of thought, Clemens Markets and Thrift Drug must be automobile service centers because they sell motor oil. Mr. Pileggi's use at this location is without any doubt an E1 use. The Zoning Hearing Board directed him to obtain and pay the applicable fee for an E1 permit and the Township to issue the same.

- Statement and accusation by Mr. Fox concerning Mr. Pileggi's sign:

Fact: Both the 1983 and 1995 Hilltown Zoning Ordinances contain two sections regarding the sign. The holder of a sign permit must change his sign when a product or service is no longer offered. No permit is required for this. The second section requires a new permit if the sign is altered or changed in any manner. Mr. Pileggi altered the sign by adding an ice cream cone to the sign so the Board directed Mr. Pileggi to apply for a new sign permit and pay the applicable fee.

- Statement and accusation by Mr. Fox that the Zoning Hearing Board had no right to hear an appeal on the fees by the Township for a Zoning Hearing.

Fact: In that there is no other established form of appeal of the fees charged by the Township, the applicant has the right to appeal the fees to the Zoning Hearing Board. The whole issue is a moot point because the Zoning Hearing Board upheld the fee schedule.

Mr. Snyder closed by saying "the man who rows the boat generally does not have time to rock it. Mr. Fox, you were elected to lead and direct this Township. Stop rocking the Township and start rowing."

Mr. Snyder requested that this statement, in its entirety, be attached to and made a part of the minutes of this meeting, and

thanked Chairman Bennett for providing him with the opportunity to set the record straight.

5. Mr. Terry Clemons - Phinney Subdivision - Supervisor Fox noted that normally the Township Solicitor and the Township Engineer do not attend the Worksession meeting, and asked if Mr. Clemons and Mr. Phinney had agreed, at the last meeting, that they would pay for the attendance of Mr. Wynn and Solicitor Grabowski this evening. Mr. Clemons replied he specifically stated he would reimburse the cost to have the Township Engineer present, however he does not recall that the question of the Township Solicitor being present was discussed. However, Mr. Clemons has been authorized by Mr. Phinney to reimburse Solicitor Grabowski's fee as well as Mr. Wynn's fee, for their attendance this evening.

Mr. Clemons advised the Planning Commission had recommended preliminary plan approval for the Phinney three lot subdivision with a number of conditions, all of which were agreed to by Mr. Phinney, with the exception of the requirement for a community water supply system. Mr. Clemons stated that the well study which was performed twice by Del-Val Soils established that there would be an adequate water supply for the three lots that are proposed by this subdivision, and that the 48 hour pump test also established there would be no adverse impact on surrounding property owners from a standpoint of water withdrawal from this proposed subdivision. The report went on to conclude that there would be even less impact if the subdivision was serviced by three individual wells because there would be different pumping times and it would not be stressing the aquifer at the same time, which would occur if there was one centralized well. Another issue is that it is not feasible or practical to create a community water supply for this site, since the idea was to have a community water supply available until a municipal water supply is extended into an area where an 8 inch water main exists for connection.

In an effort to convince the Supervisors that a waiver should be granted so as not impose an undue hardship on Mr. Phinney, Mr. Clemons wished to provide a number of items to be made part of the Phinney file. One of those items is the water plan by the Hilltown Township Water and Sewer Authority, which shows where the existing waterlines are located and where the proposed waterlines are located. This plan, prepared by Cowan and Associates, dated August 9, 1991, with a last revision date of May 11, 1993, was presented for the Board's review. Mr. Phinney has measured the distance from the existing community water supply to his property on Bypass Road, which is 3 1/2 miles away. The proposed future water supply system, in terms of any plans the Authority has to extend water supply, goes to the Blooming Glen Water District, which is also 3 1/2 miles away from the Phinney property.

Chairman Bennett requested a five minute recess in order for the Supervisors to discuss this matter.

Chairman Bennett noted the Supervisors were a bit uneasy with one side of the Phinney Subdivision being represented, but the other side was not. On the advice of the Township Solicitor, the current hearing was ended. Solicitor Grabowski explained it is not the intention of the Supervisors to delay the decision, but rather to make it inherently fair to both parties. A great deal of time has been spent discussing and reviewing the Phinney Subdivision. During the recess, discussions took place with Mr. Clemons, Mr. Wendig, and Mrs. James, who have agreed that this matter be extended for consideration at the October 23, 1995 Board of Supervisors meeting. Mr. Clemons has graciously granted an extension of time on the review period for the Phinney Subdivision and will submit the extension in writing. Additionally, Solicitor Grabowski advised the question has been posed to the Board of Supervisors by the applicant to consider the possibility that the present status of this matter, which is the review of a preliminary plan, be considered as a final plan review as well. This is not to say that the Board is approving or rejecting the plan, but rather that the Phinney Subdivision will be considered by the Supervisors as a combined preliminary/final plan approval. Since the applicant has done everything the Township has asked them to do, except the master well, Supervisor Fox feels that if the master well is included on the preliminary plan, then it could be considered as a preliminary/final plan.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to consider the preliminary Phinney Subdivision plan as a final plan as well, with a decision to be made at the October 23, 1995 Board of Supervisors meeting.

Since it is not the fault of the applicant that the hearing is not being held this evening, Supervisor Bennington suggested that Mr. Phinney not be held financially responsible for the presence of Mr. Wynn and Solicitor Grabowski this evening. Supervisor Fox and Chairman Bennett agreed.

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

1. Mr. Horrocks advised the Board recently heard a Conditional Use Application from A.W.A.C.S. Inc.. Solicitor Grabowski confirmed the Conditional Use Hearing was held on Tuesday, September 5, 1995, and he has prepared a proposed decision for the Board's authorization.

Solicitor Grabowski read the following Findings of Fact:

- a. The applicant, A.W.A.C.S. Inc., submitted evidence of its

ability and standing to make application to the Hilltown Township Board of Supervisors for a Conditional Use Application by submission of a photocopy of a lease agreement from the North Penn Water Authority. Paul Harmony, a staff representative of the North Penn Water Authority, was in attendance at the meeting and the applicant entered into a stipulation with the Board regarding the ability of the applicant to use the North Penn Water Authority property, located at Clearview Road in Hilltown Township, and more particularly identified as TMP #15-1-58-3, to install a telecommunications building and to attach antennae to an existing water storage tank of the North Penn Water Authority under and subject to the provisions of the Hilltown Township Zoning Ordinance of 1995.

b. The Board is of the opinion that the safety analysis performed by the applicant with respect to potential public exposure to radio frequency energy in the environment surrounding the proposed cellular installation is credible and meets all applicable health and safety requirements required under Federal and State requirements.

c. The Board is of the opinion that access to the proposed site is safe and that no hazardous traffic condition will be created.

d. The Board is of the opinion that the proposed use is compatible with surrounding and existing uses.

e. The Board found the testimony presented by the applicant's expert witnesses to be credible and in support of the issue of the application.

Solicitor Grabowski read the following Conclusions of Law:

a. Applicants proposed use constitutes a utility, pursuant to Section 406.F.1 of the Zoning Ordinance of 1995.

b. The proposed use is a use permitted by a Conditional Use request within the zoning district within which the proposed site is located.

c. The proposed use meets the specific conditions for utility uses set forth within the Hilltown Township Zoning Ordinance of 1995; and also meets the general conditions for a Conditional Use Application.

d. The Hilltown Township Board of Supervisors has the right to impose reasonable restrictions and conditions on its approval.

Solicitor Grabowski read the Proposed Order:

- And now, this 11th day of September, 1995, the Board of Supervisors of Hilltown Township hereby grants applicant's request for the Conditional Use, subject to the following conditions:

a. The proposed use shall be for an unmanned, one-story modular telecommunications building, having the dimensions of 12 ft. by 38 ft.; and the attachment of an antennae to the existing North Penn Water Authority water storage tank, as depicted and shown upon Exhibit A-2, submitted and accepted by the Hilltown Township Board of Supervisors as part of the record of the hearing.

b. The proposed use shall be limited to cellular telephone use operation and such municipal use by local fire companies, as may be agreed upon by the applicant, the North Penn Water Authority, and the Township of Hilltown.

If the Board is in agreement with the Findings of Fact, the Conclusions of Law, and the Order, Solicitor Grabowski advised it would be appropriate to adopt the decision by motion, and the agreement could be signed following this meeting.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the A.W.A.C.S. Conditional Use application for the site on the North Penn Water Authority water storage tank on Clearview Road, with those conditions as specified above.

2. Mr. Horrocks requested Board authorization to advertise for Community Development Block Grant applicants. A Public Hearing could be held this month for that purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement for a Public Hearing to discuss Community Development Block Grant applicants.

3. A Capital Budget Request sheet was presented to the Board, showing four pieces of equipment that the Public Works Department would have interest in purchasing. Total Bond Fund balances are shown. Mr. Horrocks noted the 1989 Bond balance, after requisition #95-1, is \$23,500.00, not \$16,700.00 as noted. That means the total undesignated Bond Fund monies available in 1996 would be \$69,500.00, not \$62,700.00. It is Mr. Buzby's top priority to recommend purchase of a tractor with a boom mower.

Chairman Bennett asked if there was a possibility that any of the proposed equipment on Mr. Buzby's list could be shared with a neighboring municipality. Mr. Buzby has no experience with sharing

equipment, and stated there could be difficulties with maintenance costs if that suggestion was used. Mr. Buzby noted Hilltown Township does swap equipment with East Rockhill Township quite frequently. Supervisor Fox asked if there is a possibility of purchasing any of this equipment with Liquid Fuel Funds. Mr. Buzby replied the Township is allowed, by law, to use 20% of Liquid Fuel Funds towards the purchase of equipment. The problem is, however, that the last truck purchased cost \$58,000.00, and the Township's Liquid Fuel allotment for equipment is approximately \$40,000.00. Discussion took place concerning Liquid Fuel Funds. Mr. Horrocks would definitely like to obtain an approval or rejection for a Capital Budget during the budget preparation for 1996. The Supervisors agreed to give this proposal consideration during the budget process this fall.

4. Mr. Horrocks explained the Township could use Community Development Block Grant money, totalling approximately \$90,000.00, to reconstruct Cherry Lane between Bethlehem Pike and Cherry Road; to overlay Reliance Road between Township Line and Telford Borough; to overlay Schoolhouse Road pavement between Keystone Road and Bethlehem Pike; and to replace the Schoolhouse Road bridge between Keystone Road and Bethlehem Pike. Mr. Horrocks suggested the Board give this proposal some consideration.

5. Act 205, which is the pension fund for both Uniform and Non-Uniform employees, requires that the Board receive the coming year obligation worksheet. That information has been supplied to the Board of Supervisors, with no action required.

6. The Township received correspondence from the Solicitor's office regarding a property located on Bethlehem Pike, which was discussed at the last meeting. Mr. Horrocks is seeking Board authorization to begin steps as outlined in this correspondence.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to direct Mr. Horrocks, the Building Inspector, and Chief Egly to begin inspection of the Haberle property located on Bethlehem Pike with regard to the B.O.C.A. Code.

7. Mr. Horrocks requested Board authorization to hire Mr. Greg Lippincott as a part-time employee at twenty hours per week for approximately 12 weeks, in order to continue work on the house numbering project. There are still funds available in the budget for temporary services.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to hire Mr. Greg Lippincott as a part-time employee at twenty hours per week for approximately 12 weeks.

K. CORRESPONDENCE - Mr. Bruce G. Horrocks -

1. The Township received correspondence from New Britain Township, advising they have adopted an Ordinance changing the name of "Stump Road" to "Upper Stump Road" for its entire length, as was recently done by Hilltown. Mr. Horrocks advised the Township may be re-naming "Old Bethlehem Road" in the future, since it has created confusion with "Bethlehem Pike."

2. A complaint and request was received for the Board to consider posting 25 m.p.h. speed limit signs throughout Sterling Knoll.

Chief Egly met with PennDot representatives and area police chiefs last week in order to discuss speed limits. Chief Egly explained that PennDot has an 85% criteria which must be followed to determine speed limits, and he believes this system was designed for highways, not the types of roadways which are present in local developments. It was suggested at that meeting that PennDot adopt a new procedure to determine speed limits. Chairman Bennett noted he is presently in the process of writing a letter to Representative Druce, recommending that a speed limit of 35 m.p.h. be considered for the entire Township.

3. Correspondence was received from Telford Borough Authority concerning a revised Sewer Use Ordinance. The Supervisors adopted a similar Ordinance in 1994, however during the last 1 1/2 years, the Township has experienced grease trap problems in some strip shopping centers. The Ordinance that was previously adopted at P.W.T.A.'s request does not address those wastes which are going into the Telford waste system. T.B.A. suggested the Board review the proposed revised Sewer Use Ordinance. Mr. Horrocks is seeking Board authorization to have the Township Solicitor review the proposed Ordinance, as compared to the currently adopted Ordinance. Supervisor Bennington feels that Telford Borough Authority should be made to pay the cost of advertising for this proposed Ordinance and also feels they should bear the cost of the Township Solicitor's review. Chairman Bennett agreed. Mr. Horrocks will contact Telford Borough Authority.

L. RESIDENT'S COMMENTS: None.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Fox listened with great interest to Mr. Snyder's earlier comments concerning the Zoning Ordinance. Instead of responding at this time, Supervisor Fox wishes to review Mr. Snyder's written statement and will respond at a later date. However, Supervisor Fox would like Mr. Snyder to point out where his statements came from in the Zoning Ordinance.

2. Supervisor Bennington was not present at the last Supervisors meeting because he was out of the country on company business. Several matters were discussed at that meeting which he would like to address at this time. Supervisor Bennington stated there have been insinuations made concerning the Township Solicitor which have not been kind. Supervisor Bennington considers Solicitor Grabowski a fine municipal lawyer, who has his 100% support. As far as Supervisor Bennington is concerned, as long as he is a Supervisor in Hilltown Township, Solicitor Grabowski will be the Township Solicitor. Chairman Bennett and Supervisor Fox agreed.

Further, Supervisor Bennington feels the job of Township Supervisor is difficult enough without people receiving veiled threats or character assassinations. When Supervisor Bennington first heard of the threats made to Supervisor Fox, he asked the Township Solicitor to contact the Bucks County District Attorney's Office to see if an investigation could be conducted to delve into these particular threats. Unfortunately, Mr. Rubenstein advised this matter was not within their jurisdiction. At this time, if the Board is in agreement, Supervisor Bennington would like the Township Solicitor to contact the Attorney General's office in Harrisburg in order to investigate the supposed threats against Supervisor Fox, to insure this type of incident does not occur in the future. Chairman Bennett was in agreement.

Supervisor Bennington would also be willing to take a lie detector test, along with his fellow Supervisors, in order to prove or disprove certain accusations that have been made about this Board regarding supposed bribes with respect to certain developments. Chairman Bennett was in agreement, stating there were no direct accusations made, however there were certain inferences made at previous meetings concerning the Hilltown Crossings development. Personally, Chairman Bennett did not appreciate those implications and would agree with Supervisor Bennington's suggestion for a lie detector test. Supervisor Fox did not feel it was necessary, stating he has responded to people who have spoken to him about that, and even though he sometimes disagrees with his fellow Supervisors, he feels this Board is likely the "cleanest" Board in many, many years. Supervisor Fox does not believe that this Board has been dishonest in any way concerning the Hilltown Crossings plan, and supports his colleagues in this matter.

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

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O. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the September 11, 1995 Board of Supervisors Worksession Meeting was adjourned at 9:30PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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

THE FOLLOWING IS A RESPONSE TO MR. FOX'S STATEMENTS AND ACCUSATIONS MADE AT THE BOARD OF SUPERVISOR'S MEETING ON AUGUST 28, 1995 REGARDING THE HILLTOWN TOWNSHIP ZONING HEARING BOARD AND THE DECISION OF THE ZONING HEARING BOARD ON THE PILEGGI APPEAL. THIS RESPONSE IS MY PERSONAL RESPONSE AND NOT THAT OF THE ZONING HEARING BOARD AS A WHOLE.

1. STATEMENT AND ACCUSATION BY MR. FOX: THE 30 DAY TIME PERIOD TO APPEAL THE DECISION HAD EXPIRED BEFORE THE ZONING APPLICATION WAS RECEIVED BY THE TOWNSHIP.

FACT: THE DECISION BY DISTRICT JUSTICE GAFFNEY WAS SIGNED ON MARCH 15, 1995. THE APPLICATION TO THE ZONING HEARING BOARD WAS RECEIVED BY THE TOWNSHIP ON APRIL 11, 1995. THIS IS LESS THAN 30 DAYS--27 DAYS TO BE EXACT.

2. STATEMENT AND ACCUSATION BY MR. FOX: THE ZONING HEARING BOARD SHOULD NOT HAVE HEARD THE APPEAL BECAUSE IT WAS ALREADY ON APPEAL IN THE COURT OF COMMON PLEAS

FACT: DISTRICT JUSTICE COURT IS NOT A COURT OF RECORD. WHEN A DECISION IS APPEALED TO THE COURT OF COMMON PLEAS, THE ENTIRE CASE MUST BE REARGUED BEFORE A JUDGE. ALTHOUGH AN APPEAL HAD BEEN FILED WITH THE COURT OF COMMON PLEAS NO ACTION HAD BEEN TAKEN BY THAT COURT AT THE TIME OF THE ZONING HEARING BOARD HEARING. BOTH OF THESE ITEMS ARE MOOT POINTS BECAUSE MR. PILEGGI DID NOT APPEAL TO THE ZONING HEARING BOARD FROM THE DISTRICT JUSTICE'S RULING.

3. STATEMENT AND ACCUSATION BY MR. FOX: THE APPLICANT IS BUILDING A SHOPPING CENTER.

FACT: MR. PILEGGI SUBMITTED A SITE DEVELOPMENT PLAN TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS. THE DELI IS LOCATED IN ONE OF THE BUILDING PROPOSED ON THAT PLAN. THE PLAN WAS APPROVED BY THE HILLTOWN TOWNSHIP PLANNING COMMISSION AND THE BOARD OF SUPERVISORS FOR THE MULTIPLE USES BECAUSE IT PREDATED THE CHANGE IN THE P C 2 ZONING. THIS APPROVED SITE DEVELOPMENT PLAN WAS SIGNED BY MR. FOX WHO WAS CHAIRMAN OF THE HILLTOWN TOWNSHIP PLANNING COMMISSION AT THE TIME OF PLAN APPROVAL.

4. STATEMENT AND ACCUSATION BY MR. FOX: PIZZA IS FAST FOOD (E6 ZONING CLASSIFICATION) NOT RETAIL STORE (E1 ZONING CLASSIFICATION).

FACT: E1 ALLOWS THE SELLING OF FOODSTUFFS. THE ORDINANCE DOES NOT SAY ALL FOODSTUFFS EXCEPT PIZZA OR HOT DOGS OR HAMBURGERS OR FRENCH FRIES, IT SIMPLY SAYS FOODSTUFFS. THEREFORE IT DOES NOT EXCLUDE ANY TYPE OF FOOD. MR PILEGGI SELLS A LARGE VARIETY

OF FOODS, NOT JUST PIZZA. FOLLOWING MR. FOX'S LINE OF THOUGHT, CLEMENS MARKETS AND THRIFT DRUGS MUST BE AUTOMOBILE SERVICE CENTERS BECAUSE THEY SELL MOTOR OIL. MR. PILEGGI'S USE AT THIS LOCATION IS WITHOUT ANY DOUBT AN E1 USE. THE ZONING HEARING BOARD DIRECTED HIM TO OBTAIN AND PAY THE APPLICABLE FEE FOR AN E1 PERMIT AND THE TOWNSHIP TO ISSUE THE SAME.

5. STATEMENT AND ACCUSATION BY MR. FOX CONCERNING MR. PILEGGI'S SIGN.

FACT: BOTH THE 1983 AND 1995 HILLTOWN ZONING ORDINANCES CONTAIN TWO SECTIONS REGARDING THE SIGN. THE HOLDER OF A SIGN PERMIT MUST CHANGE HIS SIGN WHEN A PRODUCT OR SERVICE IS NO LONGER OFFERED. NO PERMIT IS REQUIRED FOR THIS. THE SECOND SECTION REQUIRES A NEW PERMIT IF THE SIGN IS ALTERED OR CHANGED IN ANY MATTER. MR. PILEGGI ALTERED THE SIGN BY ADDING AN ICE CREAM CONE TO THE SIGN SO THE BOARD DIRECTED MR. PILEGGI TO APPLY FOR A NEW SIGN PERMIT AND PAY THE APPLICABLE FEE.

6. STATEMENT AND ACCUSATION BY MR. FOX THAT THE ZONING HEARING BOARD HAD NO RIGHT TO HEAR AN APPEAL ON THE FEES BY THE TOWNSHIP FOR A ZONING HEARING.

FACT: IN THAT THERE IS NO OTHER ESTABLISHED FORM OF APPEAL OF THE FEES CHARGED BY THE TOWNSHIP, THE APPLICANT HAS THE RIGHT TO APPEAL THE FEES TO THE ZONING HEARING BOARD. THE WHOLE ISSUE IS A MOOT POINT BECAUSE THE ZONING HEARING BOARD UPHELD THE FEE SCHEDULE.

I WILL CLOSE BY SAYING: THE MAN WHO ROWS THE BOAT GENERALLY DOES NOT HAVE TIME TO ROCK IT. MR. FOX YOU WERE ELECTED TO LEAD AND DIRECT THIS TOWNSHIP. STOP ROCKING THE TOWNSHIP AND START ROWING.

I RESPECTFULLY REQUEST THAT THIS STATEMENT IN ITS ENTIRITY BE ATTACHED TO AND MADE A PART OF THE MINUTES OF TONIGHTS MEETING. THANK YOU MR. BENNETT FOR PROVIDING ME THIS OPPORTUNITY TO SET THE RECORD STRAIGHT.


JOHN L. SNYDER