

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, July 24, 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
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett requested a moment of silence in memory of Mr. J. Arthur Moyer, who was a Hilltown Township Supervisor for eight years and who was also secretary/treasurer of the Township prior to that.

A. APPROVAL OF MINUTES:

Action on the minutes of the June 26, 1995 Meeting:

Supervisor Bennington noted the following correction:

- pg. 6, third paragraph, should read "Supervisor Bennington owns less than an acre of land in the **CR District**. If he had half his property overgrown and half not, Supervisor Bennington **would have been cited** with a violation and would have to mow his property."

Motion was made by Supervisor Fox to approve the minutes of the June 26, 1995 Supervisors meeting, as corrected.

Mr. Richard Lesmeister of 508 Upper Stump Road, wished to make a comment concerning a statement made by Mr. Stephen Thompson on page 6 of the June 26, 1995 Board of Supervisors meeting minutes. At that meeting, Mr. Thompson stated the property, when he purchased it, had been and was previously maintained as a meadow. Mr. Lesmeister commented that area was never a meadow prior to Mr. Thompson's purchase. In that same paragraph, Mr. Thompson had stated that the border of his property was maintained by a professional landscaping service on a weekly basis. Mr. Lesmeister wished to clarify that the border of Mr. Thompson's property, up until that meeting, had been in fact maintained jointly by the neighbors. Supervisor Fox advised that may be so, however those statements were made at that meeting, and must be noted in the minutes. Mr. Lesmeister understands that, but he wished to make it clear to the Board of Supervisors that some of Mr. Thompson's statements at that time were untrue.

Motion was seconded by Supervisor Bennington and carried unanimously to approve the minutes of the June 26, 1995 Board of Supervisors meeting, as corrected.

Action on the minutes of the July 10, 1995 Worksession Meeting:

Supervisor Fox noted the following corrections:

- pg. 11, first paragraph, should read "Supervisor Fox felt the Township **Zoning Hearing Board** has spot zoned the area, though that is not the proper term used by the Zoning Hearing Board, as they call it a "Special Exception."

- pg. 11, fourth paragraph, should read "The Zoning Hearing Board gives special **exceptions and variances** where there is hardship that the individual has not cause themselves, and mostly those hardships that occurred before zoning went into effect."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 10, 1995 Worksession meeting, as corrected.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated July 25, 1995, with General Fund payments in the amount of \$12,050.64 and State Highway Aid payments in the amount of \$82.60; for a grand total of all funds in the amount of \$12,133.24.

Supervisor Fox questioned the bill from Bell Atlantic on the first page, and asked if that is the average monthly telephone bill for the Township. Mr. Horrocks replied that is the previous billing for the former telephone system.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated July 25, 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 July 21, 1995:

General Fund Checking Account	\$	104,313.11
Payroll Checking Account	\$	233.83
Fire Fund Checking Account	\$	54,890.92
Debt Service Investment Checking Account	\$	96,570.93
State Highway Aid Checking Account	\$	203,861.15
Escrow Fund Checking Account	\$	130,009.24

As previously promised, Mr. Horrocks presented a second quarter comparison analysis for 1995, going back to 1991. Revenues for the first six months of 1995 are up 12.5% over last year, which is a total of \$156,000.00 and expenditures are up 26%, which is a total of \$268,000.00. The Tax Anticipation Note has been paid off. The General Fund Account currently has a balance of \$116,000.00. Basically, Mr. Horrocks feels the Township is in very sound shape for the halfway point of the year. E.I.T. collections are coming in very strong, and real estate tax is at 85% of the budget total. Legal services, police overtime, planning, and zoning are all high on the expenditure side. Mr. Horrocks believes there has been a great deal more activity during the first half of 1995 than there was a year ago.

Supervisor Fox asked if the major bills, such as the new telephone system and the copier, have been paid. Mr. Horrocks replied the telephone system has been paid in full. The copier was not purchased, it was leased at a monthly cost. There is still a substantial number of "big ticket items" to be paid in the second half of this year, such as the second health insurance payment and \$67,000.00 to come from the Bond which was spent on park expenditures this year.

Mr. Horrocks presented totals on expenditures for both parks since May 15, 1991. That total is \$278,800.00. Mr. Horrocks hopes to break that total down, item by item, within the next month.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated July 21, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Oscar Brett - Hilltown Republican Alliance - Hilltown Crossings - Mr. Brett, president of the Hilltown Republican Alliance, was in attendance to ask several questions regarding the proposed Hilltown Crossings shopping center, as presented to him by several taxpayers of Hilltown Township and from the Bucks County Planning Commission. Chairman Bennett asked if the Hilltown Republican Alliance is a registered, non-profit corporation or entity. Mr. Brett replied that it is. Chairman Bennett asked how many members belong to this organization. Mr. Brett and Supervisor Fox did not feel that question was relevant to the issue at hand. Chairman Bennett asked if Mr. Brett is speaking as an individual or if he is speaking for a group. Mr. Brett noted he is speaking for the Hilltown Republican Alliance.

Following is a list of questions posed by Mr. Brett:

- If the shopping center is constructed, will we need additional police officers and road workers, and if so how will we pay for that?

Mr. Brett commented he currently works closely with the Hilltown Police Department and knows that they need extra police officers. Mr. Brett stated the Hilltown Police Department does a fine job, however there are some problem areas in Hilltown Township that will only grow as the Township grows.

- Who will pay for additional road crew members if needed because of the proposed shopping center?

- At present there are 1,500 parking spaces subject to go to 3,000. If it goes to 3,000, will PennDot approve that under the Highway Occupancy Permit; and is there a Highway Occupancy Permit for 3,000 parking spaces?

- Are roads and parking lots able to handle heavy trash trucks and tractor trailers?

- Who pays for the snow plowing and trash removal?

- Who pays for curbs, sidewalks, traffic control islands, and traffic lights? If we do, why aren't we getting a share of the profits?

- How many local people will be hired on a permanent basis?

- How much tax revenue will be generated for Hilltown Township, and how soon?

- Who pays for the 50 ft. buffer zone with planted conifers that are required around shopping centers?

- Are wetlands involved? What are the results of the review from the Bucks County Conservation District on the Erosion and Sedimentation Control Plan?

- Who is the surveyor/engineer of this project? Is it local? And if not, why not?

- Who is the contractor? Is it local? And if not, why not?

- Who pays the cost of storm drains and sewage and connections? Who pays for the maintenance?

Mr. Brett would like the Supervisors to answer these questions so that the Republican Alliance can forward the answers to the people who asked them. Chairman Bennett feels the Planning Commission should answer these questions. Mr. Brett commented these questions have been asked of the Board of Supervisors, not the Planning Commission.

Chairman Bennett asked Chief Egly's opinion of the need for additional police officers. Chief Egly anticipates more police calls if Hilltown Crossings is constructed. As far as traffic control, Chief Egly has not yet reviewed any plans to make a judgement on that. Supervisor Fox asked if Chief Egly could estimate a percentage increase in the number of calls the police department might receive in a week for Hilltown Crossings. Not knowing how many stores are proposed, Chief Egly can not accurately estimate a percentage increase, however he would guess calls would increase by approximately 10%.

Supervisor Bennington attended every Planning Commission meeting when Hilltown Crossings was discussed, and feels he knows as much about this plan as the Planning Commission and Supervisor Fox. Supervisor Bennington does not recall seeing Mr. Brett at any of the meetings where Hilltown Crossings was discussed and asked where Mr. Brett obtained his information if he did not attend any of those meetings. Mr. Brett replied he was asked these questions by residents of this Township. Supervisor Fox asked why Supervisor Bennington mentioned his name. Supervisor Bennington feels Supervisor Fox obviously passed information for these questions on to Mr. Brett. Further, Supervisor Bennington feels the questions asked this evening are skewed to Supervisor Fox's viewpoint. Supervisor Fox asked Supervisor Bennington not to mention his name in relation to this matter.

Supervisor Bennington wished to present the following facts, as he knows them, concerning Hilltown Crossings:

- Ken Bennington attended every Planning Commission meeting, from the time the sketch plan was submitted until the final meeting. The only Planning Commission meeting Supervisor Bennington did not attend was where Hilltown Crossings was not on the agenda, and he did not know it would be discussed until the end of the meeting. Supervisor Bennington knows as much about Hilltown Crossings as the Planning Commission and Supervisor Fox.

- On October 21, 1994, 14 copies of a sketch plan were submitted to the Township with a request to attend the November 21, 1994 Planning Commission meeting. According to Mr. Wynn, this sketch plan submitted by Hilltown Crossings was as in depth as a preliminary plan normally is by a developer.

- The engineering review of the detailed sketch plan was forwarded to the Planning Commission on November 15, 1994.

- The sketch plan was reviewed by the Planning Commission at their meeting held on November 21, 1994.

- At the Supervisor's meeting held on November 28, 1994, this Board authorized correspondence to PennDot to remit PennDot to commence a review of the site access, roadway improvements, and signalization along Rt. 309. Correspondence was forwarded to PennDot, dated November 29, 1994.

- On December 19, 1994, preliminary plan development submission was made by the Wolfson Group. Included in this preliminary plan development submission, was a preliminary plan development set, geotechnical report, wetland delineation study, stormwater management report, and a traffic study.

- Bucks County Planning Commission review of the preliminary land development plan was received, dated February 1, 1995.

- Engineering review of the preliminary plan development was completed by Mr. Wynn, dated February 1, 1995.

- Correspondence was received from Lesser and Kaplan, the law firm representing the Wolfson Group, dated February 16, 1995 which provided applicant's responses to all the comments raised in the engineering review correspondence dated February 1, 1995, and a Bucks County Planning Commission review dated February 1, 1995.

- Preliminary plan was reviewed by the Planning Commission at their meeting held on February 20, 1995.

- Revised preliminary plans were submitted to the Township on March 3, 1995. This submission included copies of the preliminary plan, copies of the stormwater management report, correspondence from Del-Val Soil, correspondence from Schnaible Engineering, and stormwater management permit application in accordance with the Neshaminy Creek Stormwater Management Ordinance.

- Bucks County Planning Commission review of Hilltown Crossings Planning Module was received, dated March 13, 1995, indicating the proposal is consistent with the Township Act 537 Plan.

- Engineering review of the revised preliminary land development plan was forwarded to the Planning Commission, dated March 14, 1995.

- Revised preliminary plans reviewed by the Planning Commission on March 20, 1995, at which time the Planning Commission recommended denial of the plan based upon a three yes, one no, three abstention vote. Therefore, it did not get any consideration, the motion died and the plan was not recommended.

- The Bucks County Conservation District review, dated March 23, 1995, was received indicating revised preliminary plans for erosion control were completed.

- Revised preliminary plan developments and stormwater management calculations were submitted to the Township on April 3, 1995.

- An engineering review of the revised preliminary plan was forwarded by Mr. Wynn's office to the Planning Commission on April 11, 1995.

- The revised preliminary plans were reviewed by the Planning Commission at their meeting held on April 17, 1995, at which time the Board recommended conditional preliminary plan approval on a motion that passed 5:2:0, with Mr. Fox and Mr. Coyne voting no.

- Correspondence received from Lesser and Kaplan, dated April 20, 1995, indicating applicant's request to the Board for preliminary land development approval conditional upon compliance with all items contained within the engineering review correspondence, dated April 11, 1995, in accordance with the Planning Commission recommendations. Correspondence also offers the Township a contribution of \$150,000.00 which shall be offset by design and construction costs for the off-site sanitary sewer line extension.

Supervisor Bennington noted the Township does not have an Impact Ordinance, nor do they have a Park and Recreation Board Ordinance, so therefore any contribution made by a developer is purely voluntary and any attempt by the Township to coerce a developer to contribute more money than what he agreed to, based upon negotiations can be considered illegal and can be taken to court.

- At the Supervisors meeting held on April 24, 1995, where Supervisor Bennington was in Amsterdam on a phone connection which only cost \$21.94, instead of the \$1,000.00 some people have been talking about, the Board granted conditional preliminary plan approval subject to a Planning Commission recommendation and acceptance of a capital contribution. At that point, while on the phone from Amsterdam, Supervisor Bennington mentioned that he was only voting to approve the preliminary plan because that was the only way the plan could get to PennDot for approval or denial. If

it is not preliminarily approved by the municipality, PennDot will not review the plan to be approved or denied. Supervisor Bennington hopes, along with many others, that PennDot will deny the plan but he is not certain what they will do. Until PennDot makes that decision, all Supervisor Bennington can do as a Township official is get the plan to PennDot for their decision. At present, the Township is still waiting for submission to the Planning Commission for final plan approval. Supervisor Bennington stated these are the facts from information he has gathered from meeting minutes and things he understands to be true.

***8:00PM - The regularly scheduled Board of Supervisors meeting was adjourned at 8:00PM in order to begin the advertised PUBLIC HEARING to consider the adoption of an Ordinance regulating and restricting outdoor fires; and to consider the adoption of an Ordinance changing the street name of "West Callowhill Road" to "East Callowhill Street" for a specific portion of that road; and to consider the adoption of an Ordinance changing the street name of "Stump Road" to "Upper Stump Road" for its entire length within Hilltown Township.**

Chairman Bennett advised the first Ordinance for consideration is to regulate and restrict outdoor fires, and is known as the Hilltown Township Burning Ordinance.

Public Comment:

1. Mr. Steve Waiter, a resident of Hilltown Township, was in attendance to discuss the proposed Burning Ordinance. Mr. Waiter asked if there has been an increase in fire calls which prompted this Ordinance during the past six months. Chairman Bennett believes that over the past eight or ten years, there have been a number of unnecessary calls to the fire department. Chairman Bennett feels that 90% of the population are law abiding citizens who understand and practice safe burning procedures, however 10% of the population do not take into consideration the wind conditions, materials for burning, or the proximity of buildings to an open burn. Mr. Waiter agreed that most people use common sense when they are burning and take necessary precautions. Mr. Waiter is opposed to more restrictions from Township and State levels of government. Mr. Waiter asked if the fines levied against those who do not follow the Burning Ordinance will be deterrent enough. Chairman Bennett commented the object is not to prohibit burning, but rather to make residents aware and cautious when burning. Chairman Bennett quoted the section of the proposed Ordinance addressing fines, which states "Any person, whether as principle or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than \$50.00, nor more than \$500.00, together with the costs of prosecution, and in

default of the payment of said fine and costs shall be committed to the Bucks County Prison for a period not exceeding thirty days. Each violation shall constitute a separate offense, for which a summary conviction may be sought." Chairman Bennett noted discussion took place several years ago concerning the adoption of a Burning Ordinance, but the Supervisors all felt the same way Mr. Waiter felt, that they did not want more government interference or restrictions. However, Chairman Bennett stated, something must be done to address problems caused by that small minority of people who do not consider their neighbors or the safety issues involved with burning. Mr. Waiter asked if there are any laws at present in Hilltown Township concerning burning. Mr. Horrocks replied there are no Hilltown Township Ordinances presently adopted to address burning. There is the Clean Air Act which is enforceable by DER. If DER happens to be driving by while you are in violation of the Clean Air Act, Mr. Horrocks noted that fine is far heavier than what is proposed this evening.

Mr. Horrocks presented the following history of the proposed Burning Ordinance. As of October, 1991, the Hilltown Township fire chief sent correspondence to the Supervisors recommending a Burning Ordinance be adopted in Hilltown Township. Since 1991, there have been Burning Ordinances adopted and enforced in New Britain Township and Milford Township. Mr. Horrocks advised a meeting is held every other month with the fire chiefs of all seven fire departments who service the Township. Approximately three months ago, all seven of those fire chiefs recommended that the Township adopt a Burning Ordinance similar to what is proposed this evening.

2. Mrs. Jean Bolger believes this Ordinance is obviously an answer to a problem, and thanked Mr. Horrocks for the explanation. Mr. Horrocks stated that one of the fire chiefs informed him that there have been problems in the past with neighbors, not knowing there is a controlled burn taking place or if there is really a serious fire, who have called 911 when seeing smoke in the distance. This Ordinance will address the issue, because if you intend on conducting a controlled burn, you must contact your local fire chief prior to the burn.

3. Mr. Novak of 526 Mill Road has heard rumors of what this Ordinance will entail, and asked the Supervisors for a brief explanation of its requirements. Chairman Bennett explained residents do not have to contact the fire chief for small burns. It is recommended that small fires should be contained in an incinerator or a barrel, no closer than 50 ft. from a building. This past Sunday, Mr. Novak burned a pile of cuttings from trees and shrubs. Since Sunday was a calm day, and with the recent rain, he did not believe there was a problem with that burn. Mr. Novak asked if this is the type of burn that is addressed in the proposed Ordinance and asked if he would have to contact the fire chief in

the future to burn in this manner.

Mr. Horrocks briefly touched on certain points of the proposed Ordinance, as follows:

- Cooking grills may be less than 20 ft. from a building providing that reasonable safeguards are maintained.
- Out-of-door fires shall be permitted only upon private property and shall take place at least 50 ft. from any building, property line, or road line.
- No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus. (A responsible adult is defined as someone who is 18 years or older and who is not under the influence).
- No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- No fire shall be set that results in uncontrolled burning of vegetation (field fire).
- Outdoor fires shall be contained in a non-combustible container, covered with a wire screen of one-half inch or smaller mesh, or in other suitable non-combustible container, except for fires of leaves, brush, and/or natural, untreated wood which need not be confined to or covered by a non-combustible container.
- No person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any other kind of substances, nor shall any person or persons set or maintain any uncontained fire, or burn or cause to be burned, an uncontained fire of any substances or material of any kind, outdoors, anywhere in the Township of Hilltown between sunset and sunrise.
- Contained fires shall not be permitted to burn or smolder between the hours of 1:00AM and 5:00AM.
- Burning of any organic, non-manufactured product is permitted so long as they comply with all other provisions of this Ordinance.
- Burning of construction debris, plastics, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited.
- No garbage or offal may be burned at any time.

Mr. Horrocks feels this Ordinance is very similar to the Firearms Ordinance which was adopted several months ago, in that both are "common sense" Ordinances. The adoption of this Burning Ordinance will give the Police Department the opportunity to enforce the regulations.

4. Mr. Fred Jurin of Diamond Street asked how he determines who is considered the "fire chief." Mr. Horrocks explained a resident should contact the fire chief of the fire department which services their home or property. Mr. Jurin has burned trash in his outside concrete fire place for the past 30 years, however he is not certain how far from the building his fire place is. Supervisor Fox does not believe any one will actually measure the distance of the fire place from the house as long as it is contained, as this fire place appears to be. Mr. Horrocks agreed that the Police Department will certainly not be measuring the distance of a fire from a structure or property line on a regular basis.

Supervisor Fox asked if the seven fire chiefs have agreed to receiving calls from the general public to schedule a controlled burn. Mr. Horrocks noted all seven fire chiefs recommended this Ordinance.

5. Mr. Barry Batman, a resident of Blooming Glen for the past 17 years, has reviewed the Ordinance and does not disagree with it except for one section concerning how many feet from a structure, street, or property line that a fire must be. Living in Blooming Glen, the lots are only 100 ft. wide and 150 ft. deep in some cases. Technically, Mr. Batman would have to build a fire precisely on the center point of his lot in order to meet the requirement of 50 ft. from a structure, a property line, or a street. Mr. Batman is very concerned about this requirement. Chief George Egly feels that his officers will certainly use common sense when enforcing this Ordinance and will take into account the size of lots, especially those in the Village Center area. Chief Egly is most concerned with those who may burn extremely close to a house or a barn, or those who leave their fires unattended, which can quickly get out of control. Chief Egly agreed that this proposed Ordinance is a "common sense" Ordinance that the majority of residents presently adhere to. Chief Egly noted there has been an increase of fire calls over the past few years.

6. Mr. Ed Lueke stated his son is currently building a home in Hilltown Township and they had planned on burning the construction debris at the site this week. Mr. Horrocks advised the B.O.C.A. Code, which this Township currently enforces, states there shall be no open burning. The proposed Burning Ordinance will disallow a contractor from burning two by fours in a drum. Mr. Horrocks recommended that Mr. Lueke rent a dumpster and remove the debris from the building site. Mr. Lueke commented he intends to burn that debris. Chief Egly noted there is a State law which prohibits burning of construction material at any construction site.

7. After listening to the comments made this evening, Mrs. Jean Bolger stated it appears there is a small percentage of the population creating problems which generate fires and related

expenses. Mrs. Bolger does not feel that the entire population of Hilltown Township should be restricted and punished because of mistakes made by a few. Mrs. Bolger feels the Board will be penalizing the majority of residents by adopting this Ordinance.

Supervisor Bennington does not disagree with Mrs. Bolger, however the complaints he has received from residents are about the smell and the smoke from neighbors burning garbage. Supervisor Bennington does not feel this Ordinance is restricting burning as much as it is directing all residents of this Township to take proper precautions when burning, and to deal with the issue of burning on a common sense level.

Supervisor Fox wished to make a correction to the proposed Ordinance. On page 2, second paragraph from the bottom of the page, the sentence should read "No fire shall be permitted to burn that produces smoke **which** interferes with the navigation of aircraft in the vicinity of the Philadelphia Glider Council."

Supervisor Bennington noted the following correction to proposed Ordinance. On page 3, second paragraph from the top of the page, the sentence should read "No fire shall be permitted to burn whenever **drought** or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous."

Supervisor Fox suggested that this Ordinance, since it appears to be somewhat controversial, be reviewed by the Supervisors after six months or a year, as was done with the Firearm Ordinance. Supervisor Bennington agreed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #95-4, an Ordinance regulating and restricting outdoor fires in Hilltown Township, with a review of this Ordinance in six months.**

The second Ordinance proposes changing the street name of "West Callowhill Road" to "East Callowhill Street" from South Perkasia Road to Hilltown Township's border with East Rockhill Township and Perkasia Borough.

Chief Egly stated that on July 18, 1995, at 12:20PM, two stations - Silverdale and Hilltown Fire Departments, were dispatched to 800 Callowhill Road to respond to a dryer fire. The correct address was actually 800 Callowhill Street, and two more fire companies, Sellersville and Perkasia, were then dispatched. Because of this error, Chief Egly agrees with Chief Tim Dickenson of Perkasia Borough Police, that the name of Callowhill Road must remain as

"Road" within Hilltown Township, and the name of Callowhill Street must remain as "Street" within Perkasio Borough. Chief Egly also felt the addresses on Callowhill Road should be reviewed and renumbered for its entire length through Hilltown Township, in order to avoid further confusion.

Mr. Horrocks reminded the Board that this suggestion to change the street name of Callowhill Road came to their attention through the Perkasio Post Office. Mr. Horrocks noted that every address on Callowhill Road in Hilltown Township, will be changed because the Post Office will no longer accept the letter "H" in the house number address. At present, residents of some roads which run through several municipalities use an "H" following their house number to signify Hilltown Township. Therefore, Mr. Horrocks recommended that this proposed Ordinance not be adopted by the Board of Supervisors. No action was taken.

The third proposed Ordinance is to change the street name of "Stump Road" to "Upper Stump Road" from its intersection with Callowhill Road to its intersection with Rt. 313 and for its entire length within Hilltown Township. Since this road is shared in some sections with New Britain Township, this Ordinance will be considered in conjunction with New Britain Township.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #95-5, changing the street name of "Stump Road" to "Upper Stump Road" from its intersection with Callowhill Road to its intersection with Rt. 313 and for its entire length within Hilltown Township, in conjunction with New Britain Township.**

8:40PM - Chairman Bennett adjourned the Public Hearing to consider three proposed Ordinances at 8:40PM, and called for a 5 minute recess.

***8:50PM - The regularly scheduled Board of Supervisors meeting of July 24, 1995, was reconvened at 8:50PM by Chairman William H. Bennett, Jr.**

E. CONFIRMED APPOINTMENTS (Continued)

1. Mr. Oscar Brett - Hilltown Republican Alliance - Hilltown Crossings - For Supervisor Bennington's information, Mr. Brett stated Supervisor Fox was not involved in any way with drafting these questions concerning Hilltown Crossings.

Mr. Brett requested answers to the questions he originally asked of the Board prior to the Public Hearing, and also requested answers to the following additional questions:

- What will the initial cost be to the Township and what will the annual cost be to the Township?

- What will the ongoing expenses be to the Township for additional police and road crew members on an annual basis?

Mr. Brett asked that the answers to these questions be given in clear, concise language so that the residents who asked them can understand them. Further, Mr. Brett requested that the questions and answers also be printed in the newspaper so that most of the Township can read the responses.

With regard to the question concerning road repairs, Chairman Bennett advised the proposed shopping center is located in Line Lexington, bordered by Hilltown Pike and Rt. 309, which are both State roads. Therefore, snow removal and roadway repairs will be the responsibility of PennDot.

Snow and trash removal within the shopping center will naturally be at the developer's expense.

The number of employees has been estimated at 500, though the Township does not know how many will be permanent employees and how many will be part-time employees. Chairman Bennett commented the Township does not even have confirmation of what businesses are proposed for the shopping center. There have been rumors that a Wal-Mart is proposed, however the Township has not received confirmation of that. Chairman Bennett met with the developer of Hilltown Crossings who stated that no leases have been signed at this point. The developer would neither confirm nor deny that a Wal-Mart is proposed. It is Chairman Bennett's understanding that there will be one major store, with eleven other stores, a restaurant, and possibly a bank.

Concerning taxes, Chairman Bennett advised Earned Income Tax is the Township's single best source of income. Out of a budget of approximately 2.3 million dollars, Earned Income Tax is almost one million, whereas Real Estate Taxes will most likely only be \$300,000.00 this year. These are the two major revenue sources. Depending on how many employees of Hilltown Crossings will be Hilltown residents, the Township will collect Earned Income Tax. There will also obviously be some additional real estate taxes, but it would be virtually impossible to calculate at this time.

Chairman Bennett asked Mr. Bob Wynn, Township Engineer, to address the more technical questions asked by Mr. Brett. Mr. Wynn explained the plan proposes a significant amount of buffering on several sides of the site. All the trees are required to be installed by the developer, and Mr. Wynn noted the number of trees proposed far exceed the Ordinance requirements.

Mr. Wynn stated the wetlands on the site are being protected. All of the significant wetlands are to the southern portion of the site, towards Line Lexington. The area that is presently wooded will remain wooded. There are some small manmade wetland areas, primarily located on the front of the property in the vacated Ice City site where there was some construction activity that caused wetlands to form in the pockets. There is also a pocket of manmade wetlands in the retention basin at Leisure Links Golf Driving Range. Mr. Wynn noted those wetlands are not protected by a State act, and they will be filled in accordance with the General Permit issued by DER. The permits have not yet been received by the Township, however the Bucks County Conservation District approval has been received for erosion and sedimentation control measures.

Mr. Wynn noted the main engineer for the project is Bohler Engineering from Kulpsville, but he does not know who the contractor will be. Mr. Wynn stated there are a significant number of road improvements required, including curb and roadway widening, improvements to the intersection at Unionville Pike and Rt. 309, improvements along the frontage of the site at the Orvilla Road intersection and the new shopping center intersection. There is also another shopping center intersection proposed approximately 500 or 600 ft. south on Rt. 309; and there are improvements to be made on Hilltown Pike and Rt. 309, and at the intersection of County Line Road and Rt. 309. The cost of all those improvements will be borne by the developer.

With regard to traffic signals, Mr. Wynn noted traffic signals are not permitted by PennDot to developers. All traffic signals are permitted, whether they are State or local roads, to the local municipality. Therefore, Hilltown Township and/or Hatfield Township must be the applicant to PennDot. The developer has requested that Hilltown Township be the applicant to install the two new traffic signals. Correspondence has been received from the developer that they will be responsible for all the installation costs and continuing maintenance costs for those traffic signals.

Concerning the parking lot permit for expansion of spaces from 1,500 to 3,000, Mr. Wynn noted Mr. Brett had incorrect information. The parking spaces are to expand to approximately 1,700 from 1,500, and the Highway Occupancy Permit will address that. The Highway Occupancy Permit is currently under review by PennDot.

Chairman Bennett advised Hilltown Crossings received a recommendation for preliminary plan approval from the Planning Commission by a 5:2 vote. The Supervisors approved the plan on a conditional preliminary basis.

Mr. Kevin Carney is the owner of the particular property being discussed this evening. Mr. Carney stated he has kept quiet for a considerable amount of time, even during posturing by certain members of the Planning Commission and the Board of Supervisors. Mr. Carney believes Mr. Brett knew the answer to every question he asked this evening, and feels he should have been listed on the agenda as an individual, not as a representative of the Republican Alliance. Mr. Carney believes Mr. Brett is using Hilltown Crossings as a launching pad in the Republican Alliance's quest for five Supervisors. It is very clear to Mr. Carney that this project is being used as a political football. The property is zoned Commercial. The developer's preliminary plan submission was better than many of the final plan submissions received by the Township.

Mr. Carney is present this evening, speaking for himself and not representing the developer. This property is zoned Commercial, has public water and sewer, and is located on a major highway. The site conforms to all requirements for its zoning district in the Zoning Ordinance, yet there appears to be those who do not wish to allow this property to be used for what it is zoned for. Supervisor Fox asked Mr. Carney who told him that. Mr. Carney replied he knows enough people that Supervisor Fox has postured with. Supervisor Fox commented that is not true, and stated the information Mr. Carney got, possibly from a member of this Board of Supervisors, is erroneous. Mr. Carney denied that he received any information from any of the other Supervisors or even from any person in the meeting room this evening. Mr. Carney would be happy to discuss this matter with Supervisor Fox in private, or with the remaining members of the Board of Supervisors present, if he so desires. Supervisor Fox commented there is nothing the Township can do about Hilltown Crossings. The plan received conditional preliminary approval, and as far as this project is concerned, it is gone. What Supervisor Fox has been talking about is future construction and the mistakes that have been made with other developments, including this development. It was discussed, at a recent Planning Commission meeting, what the Township could do in the future to insure that we get accurate information, since there has been a great deal of inaccurate information received concerning developments in the past.

Mr. Carney feels Supervisor Fox has done everything possible to throw obstacles in the way of the Hilltown Crossings plan. Mr. Carney noted Supervisor Fox and Mr. Brett recently stood in front of a local store, attempting to get signatures to place the issue of five supervisors on the ballot. Supervisor Fox asked what that had to do with Hilltown Crossings. Mr. Carney replied Mr. Brett is here this evening representing the Republican Alliance, not as "Oscar Brett, private citizen." Mr. Carney stated Mr. Brett obviously has no personal interest in the Hilltown Crossings Shopping Center, and asked what the Republican Alliance's interest

might be. Supervisor Fox has no idea, stating he had nothing to do with it.

Chairman Bennett believes Mr. Carney knows what he is talking about, and feels his statements are very accurate. Personally, Chairman Bennett thinks that the Republican Alliance is nothing more than a sham to elect five Supervisors to this Board, and feels Supervisor Fox is the number one man behind it. Mr. Carney stated Supervisor Fox should put his time in where it counts.

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

1. One bid was received from Jason Urban in the amount of \$155.00 for the used copier equipment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from Mr. Jason Urban in the amount of \$155.00 for the used copier equipment.

2. Mr. Horrocks presented twelve escrow releases, one which is cash held, for the Board's approval this evening:

Bricks Villa	Voucher #01	\$ 406.40
Country Roads Phase I	Voucher #40	\$ 258.50
Country Roads Phase I	Voucher #41	\$10,053.00
Country Roads Phase II	Voucher #07	\$ 2,672.60
Country Roads Phase II	Voucher #08	\$31,635.90
Country Roads Phase II	Voucher #09	\$10,000.00
Gro-N-Sell, Inc.	Voucher #03	\$ 246.40
Hilltown Hunt	Voucher #02	\$ 2,072.70
Quiet Acres	Voucher #09	\$ 1,608.50
Quiet Acres	Voucher #10	\$38,471.49
Telvil Corporation	Voucher #22	\$ 728.85
WaWa, Inc.	Voucher #04	\$ 87.80

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

3. As the Board is aware, we have been utilizing the services of the Zoning Officer and Greg Lippincott, part-time summer employee, to clarify house numbering for 911 and to correct mistakes in the house numbering system. Mr. Horrocks requested Board's authorization to allow him to notify residents of re-numbering on certain streets and/or individual homes in the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Horrocks to notify residents of re-numbering of certain streets and/or individual

homes in order to clarify house numbering for 911, as needed.

4. Mr. Horrocks requested Board authorization to attend a Franklin Time Management Seminar to be held on September 6, 1995 in Philadelphia at a cost of \$200.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the Township Manager to attend the Franklin Time Management Seminar, as specified above.

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

1. Confirmation has been received from PennDot for a traffic light request at Diamond Street and Rt. 113. Further information will be forthcoming. Chairman Bennett asked if any word has been received from Representative Druce concerning the possibility of funding for the traffic light. Mr. Horrocks has contacted a number of State agencies, however as of this moment, he is not optimistic.

2. A report was received from Ms. Florence Ammon of Bunny's Animal Shelter, advising there are 144 dogs residing at the shelter as of June 30, 1995.

3. Mr. Horrocks received correspondence from Mr. and Mrs. Christianson, dealing with their property across the street from the Hilltown Hunt development on Rt. 152.

Mr. Ed Christianson stated he and his wife have lived in the Township for 22 years. Mr. Christianson's home is located across Rt. 152 from the Hilltown Hunt Subdivision, at a low spot of the Township, and therefore, unfortunately receives a great deal of water run-off. Mr. and Mrs. Christianson are very concerned about the additional run-off generated by construction of the new development. Mr. Christianson presented photographs taken of his property during the last storm. The developer of Hilltown Hunt has used very small 3/4" fill with screenings, that has actually washed out and filled the Christianson's swale. The developer has been kind enough to clean out the fill that has clogged the swale, however Mr. and Mrs. Christianson are concerned about future run-off and flooding of their home. Mr. Christianson believes the developer should attempt to retain the run-off further than what is planned. The Christiansons experienced flooding in their home ten years ago, at which time Mr. Christianson cleaned the swale which seemed to alleviate the problem some what. The Board may be familiar with the flooding on Rt. 152 during heavy rains that has caused traffic problems many times in the past. Trees and shrubs have been lost on Mr. Christianson's property due to erosion on the swale. Mr. and Mrs. Christianson wanted to make the Board aware of this problem and hope that they will take action to rectify the

problem. Mr. Christianson presented photographs for the Board's review. Mr. Wynn noted his office videotaped the run-off following the last storm.

Chairman Bennett assured the Christiansons that the Board is concerned. Mr. Wynn commented his office conducted an inspection the morning after the last storm, noting there was a great deal of mud which ran off that site, primarily from the grading along Rt. 152. Mr. Wynn explained the water that runs down Rt. 152 actually runs from the east side to the west side of the road, and then when it gets down near Mr. Christianson's driveway, it actually washes across the road. The run-off has washed out the ditch that was dug along the road and washed out the edge of the road. The run-off from the development itself is proposed to be controlled by a retention basin and the outlet pipe which is directly across the street from Mr. Christianson's driveway.

On Monday, Mr. Wynn advised, the excavator removed a swale that drained from the Rt. 152 drainage ditch into the Godshall pond. The original plan did not show that swale because it was not constructed until the time the wellhouse was built. That swale diverted water to the Godshall pond. Mr. Godshall spoke to the excavator, asking him to remove the swale on his property because he did not want the water running into his pond. When the excavator did as Mr. Godshall asked, it diverted all the run-off and the disturbed area directly onto Rt. 152, which compounded the erosion problem at the edge of the road. Mr. Wynn directed the contractor to put the swale back to the way it was before construction started, however it is Mr. Wynn's understanding that the contractor has been told by Mr. Godshall that he can not come back on his property. Mr. Wynn noted that situation has complicated things quite a bit because the removal of the swale created a great deal of earth disturbance which is now unstable. Mr. Wynn agrees that the stone placed along Rt. 152 will most likely end up in Mr. Christianson's ditch. Mr. Wynn's office contacted the Bucks County Conservation District on Tuesday morning immediately following the rain storm, and a representative from the B.C.C.D. visited the site on Wednesday. Mr. Wynn suggested to the contractor that he dig the mud out of Mr. Christianson's swale.

Mr. Wynn noted the rate of run-off after construction of the homes, by the design, will not be any greater than the rate of run-off before there was construction. Mr. Christianson commented the rate of run-off before construction is great to begin with, and Mr. Wynn agreed that there is currently a problem, and that existing problem will not go away due to the retention basin. Mr. Wynn had told Mrs. Christianson that there will actually be more run-off until the site stabilizes because whenever impervious surface is installed, there is more run-off after the fact than there was

before, even though the basin controls the rate at which it runs off. Right now, the run-off is worse than it will be, due to the disturbed earth and because the topsoil has been stripped. Mr. Wynn stated the largest problem is the poor drainage from Rt. 152, which has been flooding the road for quite some time. Regardless of what would or would not occur on the Hilltown Hunt site, the problem is not going to go away because of any activity on the development side of the street. Mr. Wynn noted the development was designed based on controlling equal storms. In other words, the storm expected to occur every ten years, before development, will be controlled at that pre-development rate. Therefore, there would be no increase in either two, or five, or ten year frequency storms. Supervisor Bennington asked Mr. Wynn if that meant there would be no more run-off when this development is complete, than there was before they removed the first shovelful of earth. Mr. Wynn advised there will not be any increase in the rate of run-off, but there would be more run-off. There is always an increase in total run-off when impervious surface is installed. Mr. Wynn knows the retention basin was designed to control the run-off from that site, but perhaps there is a possibility of coordinating the retention basin with the peak of flow coming down Rt. 152. At present, the water is being retained and released slowly from a retention basin, however water may be released now that is matching the same peak as the water traveling down Rt. 152, which could compound the problem. Therefore, there is a possibility of changing the retention basin so that those simultaneous peaks do not occur from the off-site water. This could be done by analyzing the upstream condition. If that is done, the Christiansons might see that at the initial surge of the storm when it first begins to rain, the basin will actually allow more water out than it does at present. This will allow the run-off water to pass the Christianson property before the water from Rt. 152 comes down the road. This will alleviate the compounded peak flow condition from both areas from hitting the Christianson property at the same time. Mr. Wynn stated his office also videotaped Mr. Christianson's swale to see if there were any changes occurring beyond the natural erosion in the swale due to the development. Supervisor Bennington asked how the developer can get back on Mr. Godshall's property in order to correct the problem. Mr. Wynn does not know that they can because there is no easement from Mr. Godshall. Supervisor Bennington noted the configuration of the swale was changed by the developer at the direction of Mr. Godshall. Mr. Wynn explained the swale that was on Mr. Godshall's property when the project started was not there when the plans were designed. From discussions with Mr. Godshall, Mr. Wynn understands that the swale was built by the Hilltown Authority when the wellhouse was constructed. Mr. Christianson asked why Mr. Godshall should have the swale on his property. Mr. Wynn explained that filling in the swale which was previously there and disturbing all that earth compounded the problem. This happened because the basin pipe, instead of dumping

out into a stabilized swale directing the water to the retention basin, was dumped out across disturbed earth and flowed into a disturbed swale along Rt. 152. There was also a waterline constructed recently and that whole area was unstable. Supervisor Bennington asked how the Township can convince Mr. Christianson that when the Hilltown Hunt development is complete, his problem will be no worse than it was before development began. Mr. Wynn feels consideration should be given to what, if anything, can be done upgrade on Rt. 152 to slow the run-off flowing down Rt. 152. Mr. Wynn suggested the Board authorize him to hold a meeting with representatives of PennDot, with Mr. Horrocks present.

Mr. Christianson stated when the Hilldale Development was constructed in Silverdale, on the opposite side of the street from his home and north of Mr. Godshall's property, the Township piped the stormwater into stormsewers. Mr. Christianson asked where that water is going and if the run-off in front of his property could be piped the same way. Mr. Wynn replied that water is piped to retention basins which are located in the rear of Sam Pierce's property. That water eventually ends up on Rt. 113 near I.G. Sales. Mr. Christianson asked if stormsewer inlets could be added to pipe their run-off down Rt. 152. Mr. Wynn explained it could be done, however it would be extremely expensive and it would require PennDot approval. Mr. Christianson noted PennDot has been blaming the Township for this problem and advised a representative from PennDot visited the site today, stating he would contact Mr. Horrocks tomorrow.

Mrs. Christianson and her husband are very, very concerned about this problem because they were flooded two times in the past, five years ago and ten years ago, with 14 inches of water in their basement and 4 inches of water in their garage. The water was very close to coming in their front door at that time. Mrs. Christianson noted during those particular floodings, the run-off water came solely from the flow on Rt. 152, and now, with the additional run-off from the development, she is concerned the flooding will become even worse.

Discussion took place regarding stormwater run-off from the Hilltown Hunt property. Mr. Wynn explained when the site was a hay field, water flowed from West Creamery Road down to the point opposite Mr. Christianson's home on Rt. 152, which took a certain amount of time for water to reach that point. The water was slow because it flowed through the grass and was not concentrated or channeled. With the roads and stormsewer being constructed on the site, the water now reaches that point very quickly, and there is more run-off. In between that point at Rt. 152 and the development site, there is now a retention basin. The idea is that the retention basin will collect that water which got there quickly and in great volumes, holding it and releasing it slowly, so that it

will run off the site at the same rate it ran off the site when it was a hay field. Mr. Wynn stated that is the principal of stormwater management and is how retention basins are supposed to work. Mr. John Bolger did not agree, stating the site itself when it was a hay field had to absorb more of the water than is being absorbed now. Mr. Wynn explained that going from a site that in its grass state absorbed a great deal of water, to a site that now has a certain amount of impervious surface, which does not absorb water is all factored in to the design of the retention basin. When a site is first stripped, there is more water running off the site than there ever will be again. Even when there is asphalt and houses, there will be a great deal of lawns which will absorb a large amount of run-off. At present, the site is totally stripped and the run-off is at its greatest, therefore any storms that occur now are the most critical. The retention basin will operate better as the development proceeds than it will operate now. In fact when basins fail, Mr. Wynn noted, they usually fail at this time when there is a large amount of rain and when the site is so disturbed.

Mr. Jim Cronmiller of 312 Rt. 152 stated his home is located next door to Mr. and Mrs. Christianson. Mr. Cronmiller asked if the new development contains public water and sewer. Mr. Wynn replied it will be serviced by public water and sewer. Mr. Cronmiller asked if the run-off can be piped through the public sewer system. Mr. Wynn explained it is against State law to pipe anything but septic water through the public sewer system. Mr. Cronmiller asked how the retention basin will react to a winter storm where there is snow and ice that melts. Mr. Wynn advised winter storms are not considered critical storms which will overflow a retention basin. Mr. Wynn stated the critical storms for a basin design are the sudden summer storms. Mr. Cronmiller does not believe the swales along Rt. 152 are the property owners responsibility, but rather they are PennDot's responsibility. Mr. Wynn agreed.

When the Hilltown Hunt development was first started, Mr. Cronmiller stated none of the property owners were notified that their mailboxes would be taken down. Their mail was not delivered for several days because of this. When Mr. Cronmiller contacted the developer, the mailboxes were erected, however his is very wobbly and not as sturdy as it once was. Mr. Wynn will check into this and see that Mr. Cronmiller's mailbox is secured properly.

When the retention basin is full, Mrs. Renee Cronmiller asked if the water will gush out of the pipe or whether it will flow slowly as it does now. Mr. Wynn stated the basin is controlled inside the basin, and the pipe will not flow full or even half full.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to direct the Township Manager and the Township Engineer to meet with PennDot representatives and Mr. and

Mrs. Christianson as soon as possible in an attempt to rectify the situation immediately.

Mrs. Christianson wished to point out that there is an existing problem with the run-off water on their side of the road coming down Rt. 152. Mrs. Christianson stated that ten years ago, they had to cement one of their windows where the water came in under the crawl space, leaving 14 inches of water in their basement. Mr. Christianson then dug out the swale, placed large boulders there, and put a three inch lip on their garage floor in an effort to prevent water from running into their home. This was never reported to anyone at the time, but Mrs. Christianson believes the situation is getting worse.

4. The East Rockhill Township Board of Supervisors will be in attendance at the Hilltown Township Water and Sewer Authority meeting to be held on August 9, 1995, to discuss the water situation.

5. Correspondence was received from Mr. Adolph Jager concerning his subdivision located on Diamond Street, regarding the capital contribution required by the plan and the escrow agreement.

Mr. Wynn advised the Adolph Jager Subdivision plan was approved in December of 1994, including a capital contribution in the amount of \$20,144.00, which was required to be received prior to plan recordation. Another condition was verification of approval of connection to public water and sewer facilities. It is Mr. Wynn's understanding that the Township has not yet received that verification and that Mr. Jager has not yet paid the fees. The Township was to receive right-of-way dedication of Diamond Street. A legal description was received last week, however it contained an error and had to be revised. A certification of the installation of property pins and monuments was received, dated December 29, 1994. Mr. Wynn conducted an inspection of the site and found that monuments which were certified were not installed. According to Mr. Jager, they have now been installed and Mr. Wynn has requested that the applicant's engineer provide another certification. There was also an escrow agreement required to guarantee public improvements. Mr. Wynn had prepared a cost estimate of \$12,000.00 in December of 1994. Mr. Jager phoned Mr. Wynn today, indicating he did not feel he should be required to put up that amount of money and wished to discuss lowering the escrow amount. Further, the applicant is required to pay any outstanding legal costs. Mr. Jager's latest correspondence to the Board states that he would like to spread out the capital contribution payments on a per lot basis. Mr. Wynn noted Mr. Jager received a preliminary plan approval and then went ahead installing a number of improvements which were required before final approval, however Mr. Jager never completed all the improvements. Mr. Jager created

the right-of-way, installed a swale and stormsewer pipe, and installed some monuments. Mr. Wynn noted Mr. Jager did not complete stabilization of the swale, did not install any of the buffer trees, and did not install any of the driveways. The driveway permit for this project expired last December, and Mr. Wynn does not know if the applicant has renewed that permit at this time.

Supervisor Fox suggested that Mr. Jager appear before the Board of Supervisors to discuss this matter further before making a decision. Chairman Bennett and Supervisor Bennington were in agreement.

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

1. Solicitor Grabowski presented Resolution #95-37 for the Board's consideration. This resolution is an Acceptance of a Declaration of Easement from Ralph Moyer for his minor subdivision located on Rickert Road. Solicitor Grabowski advised the Board accepted this agreement at their June meeting, however the Declaration of Easement had not yet been returned at the time.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-37 for the Acceptance of a Declaration of Easement for the Ralph Moyer Subdivision.**

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

1. Finkelstein Subdivision - Mr. Wynn explained this plan is an adjustment of lot lines on the Finkelstein property. This site was before the Board twice in the past for subdivision, however this proposal does not create any new building lots. The proposal is to move two lot lines to increase property owned by Popiwny and Manero, by moving the rear property boundary 60 ft. on the Popiwny property, and moving the side yard property 55 ft. on the Manero property. Lot #1 consists of 40+ acres and is not proposed for development at this time.

This plan was recommended for final approval by the Planning Commission, subject to the following conditions:

- Note should be included on the plan referencing previous subdivision plan and granting of right-of-way/easements as noted in item #2 of the engineering review dated June 8, 1995.
- Concrete monument should be installed at the intersection of the proposed property boundary of Lot #3 and the ultimate

right-of-way of Orchard Road. Installation of this property monument and the rear property pins should be accomplished prior to plan recordation and certified in writing by the responsible surveyor.

- Note included on the plan advising that further subdivision of Lot #1 may require street improvement along the frontage of the site on both Orchard Road and Diamond Street should be revised to include lands of Popiwny and Manero.

- Note #4 should be revised to reflect current zoning district as CR-1, not CR.

- Location map should be revised to include the Popiwny and Manero parcels as part of the site and identify zoning district boundary lines based on the current ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant conditional final approval to the Finkelstein Subdivision lot line change, with the conditions as noted by the Planning Commission and Mr. Wynn's office.

2. Skyview Medical Center - Mr. Wynn advised there has been no activity on this plan since last fall when a very lengthy extension was granted. The Planning Commission recommended denial of the plan for the proposed addition to Skyview Medical Center located on Rt. 309, based upon non-compliance with Zoning Ordinance and Subdivision Ordinance requirements as contained in the December 28, 1994 engineering review, and the November 21, 1994 Bucks County Planning Commission review.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Skyview Medical Center preliminary plan, based upon the outstanding items as listed above.

3. Park and Recreation Study - Mr. Wynn provided two motions made by the Planning Commission for the Board's review. The first motion was approved by a majority of the Board and is to study and eventually adopt a mechanism to require revenues for the development and maintenance of the Park and Recreation system in the Township, which should be done in cooperation with the Park and Recreation Board.

Mr. Wynn explained the Planning Commission's interest is to begin researching what is needed for development of parks in the future, to determine cost, to amend the Park and Recreation Plan, and eventually adopt revisions to Township Ordinances which would allow the Township to receive park and recreation funds from developers.

Solicitor Grabowski advised the first step in establishing a park and recreation plan is for the Supervisors to determine the recreation needs of the Township. Buckingham Township recently adopted a Recreation Use Ordinance based upon a plan prepared by a hired planner and in conjunction with their own Planning Commission and the Bucks County Planning Commission. Supervisor Fox stated Hilltown Township has a Park and Recreation Plan, even though it is not an updated plan. The law does not require an updated plan. Solicitor Grabowski commented the Ordinance is to establish fees based upon the extent of activity recommended by the plan. Supervisor Fox advised he is speaking of putting it in the Subdivision/Land Development Ordinance. Solicitor Grabowski feels an updated plan is needed in order to show the extent of the activity the Township would like to exact fees for, by way of the Ordinance. If that plan is not updated, Solicitor Grabowski feels the Township would be shortchanging themselves. Supervisor Bennington asked if the Township should obtain a copy of the Buckingham Township Ordinance for review. Solicitor Grabowski has a copy of that Ordinance, and recommended that a copy of Buckingham Township's Recreation Plan should be obtained for review of their generic language and how they handle the scope of activity. Mr. Wynn advised the Township adopted a Park and Recreation Plan in the 1980's, however that plan included a number of facilities which were recommended but not built because the Township went in a different direction. Solicitor Grabowski will supply copies of the Buckingham Township Recreation Use Ordinance for the Board's review. Solicitor Grabowski attempted to obtain copies of the Recreation Plan, but unfortunately there is only an original, which is presently in the hands of their hired planner, Lynn Froehlich, formerly of Carter Van Dyke Associates. Perhaps Mr. Horrocks can contact Ms. Froehlich to obtain a copy. Supervisor Fox noted many municipalities surrounding Hilltown Township have adopted that same Recreation Plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to begin studying, and eventually adopt a mechanism to acquire revenues for the development and maintenance of the park and recreation system in Hilltown Township, in cooperation with the Park and Recreation Board.

4. Act 209 Traffic Study - The second motion by the Planning Commission concerns the Act 209 Traffic Study, which was carried unanimously by the Planning Commission. As part of the Subdivision/Land Development Ordinance review, traffic impact and traffic studies were discussed. Under Act 209, Mr. Wynn explained, the process entails studying areas not larger than seven square miles, studying the future road needs and determining the cost of future improvements, and then assessing those costs to the future traffic or development. The Planning Commission's recommendation is that the Board appoint an Impact Fee Advisory Committee, who

would determine which areas of the Township to include in a study, eventually seeking proposals from traffic engineers for the Board's consideration to actually perform a study. The committee would decide which areas of the Township would have the greatest potential for development of additional traffic. Supervisor Bennington asked how many members should be considered for inclusion in this committee. Mr. Wynn replied Act 209 is very specific in the requirements for this committee. The Act states there are seven members required and they must be from certain backgrounds, such as planning, real estate, building, development, etc..

Supervisor Bennington felt the idea was a good one, since there would be a document in place which would avoid negotiations with developers for park and recreation fees. Mr. Wynn explained the process involved in the study. Chairman Bennett commented no matter how many studies are done, it will be impossible to find a place in the Township where the roads can be expanded from two lanes to four lanes. Mr. Wynn agreed and replied most of the studies surround intersection improvements because they are typical "bottlenecks," and usually the most benefit is gained from improving traffic signals or widening left turn lanes, etc.. Chairman Bennett asked if impact fees would apply to State roads as well as local roads. Mr. Wynn advised impact fees would apply to any development within the district, including State roads.

Solicitor Grabowski read a section of Act 209, which follows "The Advisory Committee shall consist of no fewer than seven, nor more than fifteen members, all of whom shall serve without compensation. The governing body of the municipality shall appoint as members of the Advisory Committee, persons who are residents of the municipality or conduct business within the municipality, and are not employees or officials of the municipality. Not less than 40% 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. The traffic or transportation engineers or planners appointed to the Advisory Committee may not be employed by the municipality for the development or consultation of the roadway sufficiency analysis which may lead to the adoption of a transportation capital improvement plan. The governing body of the municipality may elect to designate the municipal planning commission, appointed pursuant to Article II, as the Impact Fee Advisory Committee. If the existing planning commission does not include members representative of the real estate, commercial, and residential development and building industry at no less than 40% of the membership, then the governing body of the municipality shall appoint the sufficient number of representatives of the

aforementioned industries who reside in the municipality or conduct business within the municipality to serve as ad hoc voting members of the planning commission whenever such commission functions as the Impact Fee Advisory Committee." Supervisor Fox noted there are at least three members of the Planning Commission who are involved, in one way or another, with the building industry.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to advertise for seven members of a Hilltown Township Impact Advisory Committee with the qualifications as specified, to be reviewed and approved by the Board of Supervisors.

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

1. Hilltown Crossings - Traffic Signals - Mr. Wynn presented two resolutions which have been forwarded to the Township by Lesser and Kaplan, legal representatives of Hilltown Crossings. One of the conditions of preliminary plan approval of Hilltown Crossings includes the requirement for two traffic signals, one at the common entrance between Orvilla Road, Rt. 309 and the shopping center, and the other being an access to the shopping center only from Rt. 309. For the Board's consideration, Mr. Wynn presented an application for a permit to install and operate traffic signals from PennDot, one for each intersection.

Mr. Wynn noted that one of the conditions of preliminary plan approval of this project was resolution of cost for these traffic signals. Correspondence was received from Mr. Neil Stein of Lesser and Kaplan, dated July 21, 1995, which states "Given that the signal permit applications for the Orvilla Road and southern access drive signals are to be considered by the Board of Supervisors on July 24, 1995, this letter will confirm that Hilltown Crossings will agree to be responsible for the installation and continuing maintenance cost of those signals. Hilltown Township will incur no expense as a result of these signals." Supervisor Bennington asked if the Wolfson Group or the store owners will be responsible for those traffic signals. Mr. Wynn replied that will be subject to agreements yet to be executed, however he would assume the Township would insist that those traffic signals would be the responsibility of the property owner, by whatever legal mechanisms necessary to insure that. Solicitor Grabowski assured the Board that any documents necessary would be recorded with the Recorder of Deeds so that any future property owner would be responsible for the traffic signals.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-38, application for permit to install and operate traffic signals for the intersection of Bethlehem Pike (Rt. 309) and Hilltown Crossings**

Southern Access and to adopt Resolution #95-39, application for permit to install and operate traffic signals for the intersection of Bethlehem Pike (Rt. 309) and Orvilla Road (Hilltown Crossings Northern Access).

2. Country Roads - Phase I - Extension - Mr. Wynn advised the Development Agreement for Country Roads Phase I requires completion of all public improvements within the subject subdivision not later than July 27, 1995. The Township has received a written request from the developer to extend completion until September 30, 1995. Besides miscellaneous clean-up items, the primary issues to be resolved are completion of landscaping, which is not possible at this time due to weather conditions, and final wearing course paving, which is not possible at this time until completion of various sanitary sewer punchlist items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the developer's request to extend the completion date until September 30, 1995 for the Country Roads Phase I project.

3. Miller Subdivision - Mr. Wynn advised the Miller Subdivision, which is located on Blooming Glen Road, was approved and the escrow agreement was executed to guarantee the installation of street trees in front of the dwelling under construction. Those trees are required to be installed by July 30, 1995, via a cash escrow. Since this is not a good time of year to plant trees, correspondence was received from the applicant requesting a six month extension to plant those required street trees in the spring.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to extend the maintenance period for the Miller Subdivision for six months in order to plant the street trees, as noted above.

4. Country Roads - Mr. Wynn explained the road from Rt. 152 through to Telegraph Road through the Country Roads development is now under construction. The developer has excess fill from the site and would like to place a portion of it in the open space area. The developer is proposing to fill and level out the open space area, and then grade and seed it. There is a "bow" in the center of this open space area because there is a manhole that must be raised 4 or 5 ft. if the developer fills that entire area. Mr. Wynn has no problem with the proposal, however he believes the entire area should be leveled and the indentation should be filled. The Board was in agreement with Mr. Wynn.

L. RESIDENT'S COMMENTS:

1. Chief Egly advised the Township is in the final stages

of the Cops More Grant process. Supervisor Fox asked what the grant entails. Chief Egly replied it will provide for two officers, totalling \$150,000.00. Chief Egly has spoken about the future of the Hilltown Police Department many times in the past. Sgt. Watts, Det. Sgt. Leyden, and Chief Egly will be retiring within the next few years. With the Cops More Grant, the salaries for the two officers for the first year will be paid at \$55,000.00, with the Township paying \$20,000.00; the second year will be paid at \$50,000.00, with the Township paying \$27,000.00; and the third year will be paid at \$45,000.00, with the Township paying \$34,500.00. Supervisor Fox noted that will increase the police budget, and believes that when this grant was discussed, there were questions of whether the Township would be obligated and if we could ever lay off these officers should the Township experience future financial difficulties. Chief Egly commented the Township will be losing three of their top officers within the next few years, and under those circumstances, feels that the hiring of two new officers will not greatly affect the police budget. Further, Mr. Horrocks noted, there is no guarantee that the Township will be approved for the Cops More Grant.

2. Mrs. Jean Bolger, as a member of the Hilltown Republican Alliance, was not aware that there was a vote taken or a majority consensus for Mr. Brett to appear before the Board of Supervisors this evening. Supervisor Fox stated he, as a member, was not privy to any of the events that took place this evening. Chairman Bennett, who is also a member, was not previously aware of Mr. Brett's presentation this evening either. As part of the group Mr. Brett represented this evening, Mrs. Bolger noted there are three members of the Republican Alliance who had no prior knowledge of what would be presented to the Board this evening. Mrs. Bolger feels Mr. Brett's appearance this evening was not very credible and as a member of the organization, she would like to disavow herself from what took place tonight.

3. Mr. John Bolger asked if Mr. Wynn is aware that PennDot has a right-of-way along the edge of Rt. 152 for approximately 3 or 4 ft. Mr. Wynn stated PennDot has a right-of-way to construct and maintain their facilities along State roads. Mr. Bolger noted the concrete swale in front of his property along Rt. 152 is within the PennDot right-of-way and is in desperate need of repair. There are several pipes that run under Mr. Bolger's driveway which are also in need of repair, and asked if those pipes are PennDot's responsibility. Mr. Wynn does not know, and stated there was a situation several years ago in Line Lexington on Hilltown Pike where there was a system of pipes and stormdrainage which PennDot refused to claim responsibility for. Mr. Bolger believes these pipes are PennDot's responsibility and requested that Mr. Wynn mention it to PennDot when he meets with them concerning the Christianson's problem.

Further, Mr. Bolger firmly believes that the run-off problem experienced along Rt. 152 is a direct result of the development of Hilltown Hunt across the street.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington asked if the applicants for Blooming Glen Restorations will be appearing again before the Board of Supervisors to present their recommendations to address the B.O.C.A. issues. Mr. Horrocks replied the next B.O.C.A. hearing for Blooming Glen Restorations will be held on August 7, 1995, at which time the applicants will present a plan of their proposal.

2. Supervisor Bennington asked if the correspondence from Mrs. Jackie Walker to the Planning Commission concerning the Phinney Subdivision has been addressed. Mr. Wynn has replied to Mrs. Walker and the Board has been copied on that correspondence.

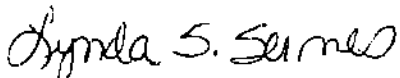
3. With regard to the preliminary agreement between the model airplane club and Hilltown Township, Supervisor Bennington feels the hours of flying should be more restricted, as was discussed at a prior meeting. Mr. Horrocks will revise the document and forward it to the Board for further review.

4. Chairman Bennett announced State Representative Tom Druce holds meetings here at the Township building on the fourth Wednesday of every month from 6:30PM to 8:00PM, to speak to Township residents about any concerns they might have.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the July 24, 1995 Board of Supervisors meeting was adjourned at 10:50PM.

Respectfully submitted,



Lynda Seimes
Township Secretary