

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, July 10, 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 7:35PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Thomas A. Buzby, Director of Public Works
Warren L. Nace, Zoning Officer
George C. Egly, Chief of Police

Chairman Bennett announced the Supervisors, the Township Manager, and the Hilltown Fire Chief met in Executive Session prior to this meeting to discuss fire suppression systems and possible future action.

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated July 11, 1995, with General Fund payments in the amount of \$52,047.31; State Highway Aid payments in the amount of \$7,436.80; and Escrow Fund payments in the amount of \$5,141.00; for a grand total of all funds in the amount of \$64,625.11.

Chairman Bennett felt the final payment for the new telephone system should not be made until the system is in full operation.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated July 11, 1995, subject to audit.

B. MANAGER'S REPORT - Mr. Bruce Horrocks -

1. A request has been received from Calvary Church, a tax exempt organization, to waive the rental fee of the Scout Cabin for their use on July 21, 1995. The security deposit will be submitted by the renter.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the Scout Cabin rental fee for Calvary Church for their use of the facility on July 21, 1995.

2. Mr. Horrocks requested authorization to attend a seminar entitled "Successful Strategies for Managing Time and Stress," sponsored by the Department of Community Affairs.

Motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the Manager's attendance at the above noted seminar sponsored by D.C.A..

3. Mr. Horrocks requested Board authorization for the Township Solicitor to represent the Township in the two newest Adams Outdoor Advertising Sign Zoning Hearing Board appeals which are upcoming.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to represent the Township in the two newest Adams Outdoor Advertising Zoning Hearing Board appeals.

4. With regard to the Hartzell-Strassberger Home project, Mr. Horrocks recommended that the invoice received from Brite Maintenance not be paid. At present, Mr. Horrocks does not feel the Township has enough detail on the cost of what any repair to damage might be. Mr. Horrocks also requested authorization to bid the job a second time, with several changes. This would include bidding the project in a two part process, with one part being to repair all the damage that has occurred, and with one part being completion of the project to the proper punch list specifications. Mr. Horrocks explained this would give the Township specific figures as to the cost of the damage.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize a second re-bidding process for the Hartzell-Strassberger Home Project in a two part process, with one part being to repair all the damage that has occurred to date, and with one part being to complete the project to the proper punch list specifications.

5. Mr. Horrocks requested the Board's authorization to allow the Township Solicitor to investigate and send notice to the company of which the performance bond of the original bidder is held, in order to enter discussions concerning damage that has occurred due to Brite Maintenance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to investigate, send notice, and to enter into discussions concerning the damage done by the original bidder with the company of which the performance bond of that original bidder is held.

6. Mr. Horrocks presented Bid #95-7 for Aggregate, which was tabled at the June 26, 1995 Board of Supervisors meeting. Two bids were received, one from M & M Stone and one from H & K Materials. At the time of the bid opening, Mr. Horrocks noted the stipulation of a \$.50 per mile per ton adjustment from the center of the Township would affect these bid prices. Since that time, Mr. Buzby, Director of Public Works, has been consulted. Historically, Mr. Horrocks noted this type of bid has always been awarded in its entirety, not by separating the specific line items. Supervisor

Fox asked if these specifications are clearly listed in the bid package. Mr. Buzby replied that it is, and it has been specified this way for as long as he can remember. It is Mr. Horrocks' recommendation to award Bid #95-7 to H & K Materials in the total amount of \$16,915.00. Supervisor Bennington noted the point raised at the last meeting was that one company specifically, due to these particular bid specifications, would never lose the bid. Mr. Horrocks advised the difference is time, labor, and the equipment cost of driving three or four miles further through the entire course of the year. Further, Mr. Buzby explained several years ago, the municipal manager of PennDot stated that if the Township can justify the cost, the Township can legally impose the cost per mile clause in the bid. Discussion took place. Supervisor Fox would just like to insure that this bidding process is legal. Chairman Bennett replied that it is legal, and this process has been followed for many years.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award Bid #95-7 for Aggregate to H & K Materials in the amount of \$16,915.00.

C. CORRESPONDENCE: None.

D. CONFIRMED APPOINTMENTS:

1. Mr. William Lehuta - Request for One-Way Street - Mr. Lehuta was not in attendance. Mr. Horrocks believes Mr. Lehuta's request was for the Board to consider declaring Callowhill Road, from Rt. 113 to South Perkasio Road, a one-way street in a northerly direction. Mr. Horrocks had advised Mr. Lehuta that Callowhill Road is a State road, and therefore the Township would have no control over that. Further, Mr. Horrocks has heard rumors that PennDot has given consideration to that request.

E. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT - Mr. Jim Groff - Mr. Groff read the Water and Sewer Authority Report for the month of June, 1995, which is on file at the Township office.

F. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby - Mr. Buzby read the Public Works Report for the period of May 28th through June 24, 1995, which is on file at the Township office.

G. POLICE CHIEF'S REPORT - Due to the absence of Chief Egly, the Police Report for the month of June, 1995, was not read. This report is on file at the Township office.

H. ZONING OFFICER'S REPORT - Mr. Warren Nace - Mr. Nace read the Zoning Report for the month of June, 1995, which is on file at the Township office.

I. PARK AND RECREATION REPORT - No one was present from the Park and Recreation Board. The Park and Recreation Report for the month of June, 1995, is on file at the Township office.

J. HILLTOWN FIRE CHIEF'S REPORT - Mr. Robert Grunmeier - Mr. Grunmeier read the Hilltown Fire Company report for the month of June, 1995, which is on file at the Township office.

Mr. Grunmeier advised the Emergency Vehicle Recertification Course will be held this week.

K. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - Mr. Robert Grunmeier - Mr. Grunmeier read the Emergency Management Coordinator's Report for the month of June, 1995, which is on file at the Township office.

L. RESIDENT'S COMMENTS:

1. Mr. Ivan Keyser of 512 Stump Road asked the status of the complaint discussed at the previous meeting concerning the Thompson residence at 506 Stump Road. Mr. and Mrs. Keyser hope that the Supervisors have decided that Mr. Thompson's property should not become a meadow and that the property in question should be mowed several times a year, as required by the Ordinance.

Mr. Steve Thompson, the owner of the property Mr. Keyser referred to, was in attendance. At the last meeting, Mr. Thompson had the opportunity to explain his position concerning the property and the maintenance management he presently implements. Mr. Thompson added that he has filed an application with the Bucks County Conservation District to evaluate exactly what is present on the property and to provide some technical assistance in the form of recommendations on how to properly care for the property. Chairman Bennett asked when the Bucks County Conservation District might respond to Mr. Thompson's request. Mr. Thompson replied a board meeting will be held on July 13, 1995, and this matter will be discussed.

At the last meeting, Chairman Bennett noted he had previously visited the property, however his fellow Supervisors also wanted the opportunity to view the site. Supervisor Bennington visited the property last Saturday and spoke with Mr. Lesmeister. In his opinion, Supervisor Bennington believes the so-called "meadow" violates the Zoning Ordinance and should be mowed. Supervisor Fox also visited the site, and it appears that weeds such as thistle, are not in evidence, however he feels the texture of the grass is not hay. It appears to be lawn grass which is very thin. Supervisor Fox understands what Mr. Thompson is attempting to accomplish, but he believes there are problems since it affects the neighboring properties. Supervisor Fox noted the Township even

requires farm fields to be mowed twice a year. Mr. Thompson had previously stated that he mows this meadow once a year, however Supervisor Fox feels it should be mowed twice a year. If Mr. Thompson owned a great deal of land, with no residential properties behind him, Supervisor Fox felt he could actually raise crops. But to call this area a "conservation district," though it is not a very large parcel, is incorrect. Supervisor Fox is in sympathy with Mr. Thompson, yet he believes the land should be mowed twice a year. Mr. Thompson asked if the recommendations of certain agencies and organizations concerning meadow care have any bearing on the Supervisor's aesthetic decisions on what should be required. Mr. Thompson has owned this property only 15 months, and noted change does not occur quickly in a situation such as this in order to meet the goals he is attempting to obtain. Mr. Thompson has been the owner for one and a half growing seasons at the site, and would agree that there is an abundance of grass types that he would not consider encouraging for continued growth. Mr. Thompson does not believe mowing the meadow is considered "responsible management." He is looking for the opportunity to maintain the property as he sees fit, with the guidance of organizations like the Heritage Conservancy or the Bucks County Conservation District. Mr. Thompson is merely seeking the opportunity to follow those guidelines and to act upon those recommendations accordingly. Supervisor Fox is surprised that the Bucks County Conservation District, whose main task is to save topsoil when there is new construction, would be concerned about a matter such as this. Mr. Thompson read excerpts of a letter from the Bucks County Conservation District, which states "The Conservation District has long been a supporter of natural land management versus active management, and by following the recommendations of the N.R.C.S., I am sure you will be able to comply with local regulations, while at the same time meeting your goals. By completing the request form and returning it to the Conservation District, our technician will arrange to meet with you to plan for erosion control and meadow management."

In view of the meeting of the Bucks County Conservation District to be held this week, Chairman Bennett recommended that this issue be tabled until the next Supervisors meeting to be held on July 24, 1995.

Having spent several days last week mowing his own fields, which he does approximately three times a year, Chairman Bennett noted the abundance of Canadian thistle, poison ivy, rose bushes, and various other plants and weeds. Chairman Bennett was puzzled when Mr. Thompson stated he could control this sort of growth, even on two acres. Mr. Thompson commented he controls noxious weed growth by hand, inspecting the meadow almost every day. Chairman Bennett recalls that Mr. Thompson had indicated he would mow the meadow once a year, and Mr. Thompson agreed that was true. Mr. Thompson

advised the preferred time to mow the meadow would be in late spring, however in this particular growing season, he has scheduled to mow in early fall. The purpose being that Mr. Thompson needs to identify what is presently growing there, what is worth saving, what is not worth saving, and what is not desirable to encourage. Mr. Thompson feels he must get through a full growing season to make those determinations. Mr. Thompson wishes to be sensitive to the neighbor's concerns, who obviously feel the meadow is a detriment to their property values. He hopes to address those issues and enlighten the neighbors as to the facts on such matters as vermin infestation. Chairman Bennett commented if Mr. Thompson were to mow the meadow within the next two weeks, the entire argument may be a moot point until next season. Mr. Thompson has considered that, wishing to address the issue responsibly without evading it, however he does not want to be in violation again next year. Further, Mr. Thompson does not wish to be a continued source of animosity or anguish to his neighbors. It is not his intention to have ill feelings with his neighbors.

After visiting the site, Supervisor Bennington could understand Mr. Thompson's point if he did not have neighbors in close proximity, however there are houses to the rear of the site, and if Supervisor Bennington lived there, he would not be happy with the situation either. There is a requirement in the Zoning Ordinance which states the field must be mowed. If Supervisor Bennington did the same thing as Mr. Thompson on his property in the middle of the development district, he would be required to mow the field. As far as Supervisor Bennington is concerned, this decision should not wait until the July 24, 1995 meeting as suggested by Chairman Bennett. Supervisor Bennington strongly feels that Mr. Thompson should have to mow his field because he is in violation of the Zoning Ordinance. Mr. Thompson reminded Supervisor Bennington of the language in the Zoning Ordinance, which states "The accumulation of heavy growth and/or vegetation which would impair the health and/or safety of the neighborhood." Supervisor Bennington asked how Mr. Thompson knows that the growth of this meadow does not impair the health and/or safety of the neighborhood, and asked how Mr. Thompson knows there is not rat infestation in that meadow. Mr. Thompson replied he knows because he walks that meadow every day. Supervisor Bennington refused to argue the point and directed the Zoning Officer to follow the Zoning Ordinance.

When visiting the site, Supervisor Fox noticed a path cut through the meadow, and asked the purpose of that path. Mr. Thompson replied that path was originally mowed the first season to allow the children who live at the bottom of the lane, easy access through his property to the bus stop, which is located at the corner of the property.

From what he has seen, Supervisor Fox feels the meadow should be mowed twice a year, as his own is mowed. Supervisor Fox commented he is willing to wait to vote on the matter until the July 24, 1995 meeting in order to hear the recommendation of the Bucks County Conservation District.

Presently, Mr. Horrocks noted there is an outstanding Notice of Violation against the property owner with a time table running, though he is not sure of the specific expiration date. Mr. Nace was not certain of the thirty day time period date either. Mr. Thompson believes the 30 days expire on July 13, 1995. Mr. Horrocks suggested the Board not make a motion until the Notice of Violation is beyond 30 days, at which time the Zoning Officer would request to proceed further, if need be, as he does on other Notices of Violation.

Chairman Bennett asked if Mr. Thompson intended to mow the property in the immediate future, regardless of what recommendations are received from the Bucks County Conservation District. Mr. Thompson replied that is correct, he intends to mow the property in the early fall. Supervisor Fox believes Mr. Thompson had previously stated that normally he mowed the field once a year, in June. Mr. Thompson corrected that statement, advising June is the preferred time for the meadow to be mowed, however he did not mow the meadow at that time last year. There was actually a violation issued last year also, though Mr. Thompson chose not to get involved with the issue at that time, and simply mowed the meadow. It was mowed once last year, and it is Mr. Thompson's intention to cut it one time this year. If he was allowed his own time schedule, Mr. Thompson would mow the field during early to late June on a yearly basis, barring pressure to do so any other time. Mr. Horrocks advised Mr. Nace just checked his file, and it was determined that the zoning violation letter was dated June 7, 1995. If Mr. Thompson stated his preference was to mow the meadow in June, Chairman Bennett wondered why he is now proposing to mow the property in September. In Mr. Thompson's opinion, the meadow did not need to be cut in June of this year, because it had just been mowed last fall.

Supervisor Fox explained the Zoning Officer will now bring this zoning violation to the Board's attention for action, at which time Mr. Thompson might be cited and ordered to appear before the District Justice. Mr. Thompson is aware of that, however he is attempting to supply as much information as possible so that a responsible decision is made by this Board. Supervisor Bennington asked if Mr. Thompson is implying that his decision is not a responsible one. If Supervisor Bennington is indicating that his position is the meadow should be mowed because of his aesthetic opinion, Mr. Thompson would agree that is not a responsible decision. Supervisor Bennington felt Mr. Thompson's opinion is a very poor opinion on his part, and he personally takes offense.

Motion was made by Supervisor Bennington to cite Mr. Thompson for violation of the Zoning Ordinance. Mr. Horrocks noted Mr. Thompson has previously been cited. Mr. Nace stated the clock for the thirty days begins upon receipt of Notice of Violation, which was officially received June 13, 1995. Therefore, Chairman Bennett commented, the thirty days will officially expire on Thursday, July 13, 1995. Supervisor Bennington withdrew his motion.

Since Mr. Thompson previously stated the ideal time to mow the meadow is in June, Supervisor Fox made a motion to instruct Mr. Thompson to mow the meadow on his property. Mr. Thompson is concerned that he will be in this same predicament next year at this time. Supervisor Fox agreed that will happen if there is another zoning complaint filed. Mr. Thompson is certain there will be another complaint filed next year, and feels that until there is some resolution to this matter or until some accommodation is made for property owners who choose to maintain their properties as he does, it will be a constant waste of time for the Board of Supervisors. Again, Supervisor Fox empathized with Mr. Thompson, however the Zoning Ordinance does apply and the violation obviously affects Mr. Thompson's neighbors. Mr. Thompson asked for clarification as to what exactly the Ordinance says, asking if it states that you are not permitted to grow your grass if there are neighbors in close proximity. Supervisor Fox explained the Ordinance states that when the grass becomes a nuisance, the property owner is in violation. If no one considers the height of the grass a nuisance, then it would not come to the attention of the Board of Supervisors. It is noted in the Zoning Ordinance that property must be properly maintained. If Mr. Thompson wished, Supervisor Fox stated he could plant corn in that meadow. Mr. Thompson does not believe that would make the neighbors happy either and feels that whatever he does in that rear portion of his property, other than a mowed lawn, will be adverse to his neighbors.

Since this is a zoning violation, Mr. Horrocks noted on the 14th of July, the Zoning Officer can request the Board's authorization to go to the District Justice for a hearing. The District Justice is a non-biased party who will hear the matter, and Mr. Horrocks suggested that is the place for a decision to be made. According to Mr. Horrocks, Chairman Bennett understands that the Board really does not have a choice as far as forcing Mr. Thompson to mow his property at this point, however Mr. Thompson will obviously be hearing from the Township in two weeks.

Ms. Gretchen Raub, a neighboring resident of Mr. Thompson's property, stated the neighbors are very supportive of the property being maintained in a way that is good for the environment and good for the citizens. Ms. Raub feels it is presumptuous of Mr. Thompson to say how the neighbors feel about growing crops on that

property. Ms. Raub does not feel the neighbors would have any difficulty with that. The concerns of the neighboring property owners are not just aesthetic, they also include concerns about fire since there has been very little rainfall lately. The neighbors are in agreement that they all purchased their properties with the Township Ordinance fully in mind, knowing what they were, and expecting all members of the community to comply with them as they do.

2. For the Park and Recreation Board review, Mr. John Gillespie of 623 South Perkasio Road presented a copy of specifications outlining construction and maintenance, dealing with lowering maintenance costs, as produced by the Pennsylvania State University.

Mr. Gillespie updated the Board concerning the water usage at Moyer Road and Rt. 113. A Water Usage Agreement has been prepared, which was submitted to the fire companies involved and their legal counsel for review. Mr. Gillespie has asked that the Agreement be submitted to the Township Solicitor prior to approval. The Agreement states "I/We, the undersigned owners of lake or pond located at the corner of Rt. 113 and Moyer Road, do hereby grant to Silverdale Volunteer Fire Company, and all other fire companies serving Hilltown Township who are under mutual aid agreements, permission to erect and maintain, at its expense, a dry hydrant system and access roadway, if needed, to above stated location to the pond to be utilized for emergency fire suppression purposes. All other use of said pond shall be after notification and with permission of the owner. Each fire department, individually, shall be responsible for any and all damages to property that they may cause resulting from department exercises. This contract can be cancelled at any time by written notice, thirty days in advance, to the Silverdale Volunteer Fire Company and Hilltown Township."

Mr. Gillespie stated this agreement is to be signed by the president, the chief, and the owners of the property.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington stated that as a Supervisor, he is bound by the Zoning Ordinance, and if he were to violate the Zoning Ordinance, he also could be required to appear before the District Justice. Therefore, the Zoning Ordinance will be followed by every one, with no special exceptions.

2. Supervisor Fox stated there has been a rash, over the last year or two, of zoning decisions which have not followed the Comprehensive Plan and the Zoning Ordinance. A few decisions, which some people know about, allowed a 50% increase in the lifetime of a property if they go before the Zoning Hearing Board.

Supervisor Fox noted this is thousands of a percent increase, a 50% increase since 1959, which is in direct violation. Supervisor Fox stated the Zoning Hearing Board does not have the right to do grant that. Supervisor Fox recently received a copy of the Zoning Hearing Board decision concerning Waste Management, who applied for a change in the use, basically a self-admitted non-conforming use. When Waste Management purchased that property, the entire Board was happy enough, in our present Ordinance which was in the process of being passed, to allow them to store open containers, which is a legal use on that property, and which was a legal use before the Ordinance was passed. Now Waste Management wishes to put a truck stop in, a request which was granted by the Zoning Hearing Board, and Supervisor Fox would like to review their reasoning. Supervisor Fox has to assume that the Zoning Hearing Board granted this request, then looked for reasons to allow it. On page 44, in Light Industrial, G-1 for Truck Terminals, which is where the Ordinance addresses where trucks are stored, states that a truck terminal is not allowed in a Heavy Industrial area. It is allowed in a Light Industrial area. A storage yard is allowed by Conditional Use and this can only be allowed by the Board of Supervisors. Supervisor Fox noted there are no truck terminals allowed in the Heavy Industrial area. That property was in full compliance the day the Zoning Ordinance was completely passed, which was several weeks before the Waste Management Zoning Hearing and the newly adopted Zoning Ordinance was used for this hearing. On page 86, Truck Terminals, it states "A structure for use of the land for the storage of trucks and/or transfer freight from one truck to another, provided the said use of the structure does not include the handling or the processing of municipal, hazardous waste." Supervisor Fox noted there is such a truck terminal in the Light Industrial area that is conforming. It is mentioned in the Zoning Hearing decision that because of "Conditional Use," the open container storage is allowed. Supervisor Fox commented the right to determine Conditional Use is given to the Board of Supervisors only, and not to the Zoning Hearing Board. The Supervisors can not make zoning decisions and the Zoning Hearing Board can not re-write or make Conditional Use decisions. That is the law. Upon review of the Zoning Hearing Board decision, Supervisor Fox advised it states "Furthermore, where outside storage is the primary use of a property, accessory uses, including I-4 (accessory use buildings and a few others) are expressively permitted, however Supervisor Fox believes it is just the opposite. Under I-4, if there is storage of containers or outdoor storage, the applicant can not have an I-4. On page 100 of the Ordinance, I-4 - Non-residential Accessory Buildings, it states "Accessory building or structure, or uses customarily incidental to non-residential uses permitted in Village Center, Planned Commercial I, Planned Commercial II, Heavy Industrial, and Light Industrial Districts, in connection with such uses except outside storage, are permitted." This means the Zoning Hearing Board said it was permitted, yet the Zoning

Ordinance states that it is not permitted. Further, Supervisor Fox quoted from page 142 of the Zoning Ordinance, titled "Changes in Non-Conforming," which states "A conforming property can not be made unconfirming." However, in the Zoning Hearing Board decision, it states "Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following....." Supervisor Fox felt the Township 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." The Board of Supervisors is not permitted to do it. Supervisor Fox feels the Township could have saved approximately \$200,000.00 and 8 1/2 years of work through the adoption process of the new Zoning Ordinance, because some of the Zoning Hearing Board decisions are allowing uses that are not allowed by the Zoning Ordinance. Supervisor Fox believes the Zoning Hearing Board's job is to follow the Zoning Ordinance and the Comprehensive Plan.

Motion was made by Supervisor Fox to appeal the Zoning Hearing Board decision for Waste Management, which was submitted to the court on June 22, 1995.

Supervisor Bennington gets the impression that Supervisor Fox does not agree with the decision of the Zoning Hearing Board concerning Waste Management and other decisions. Supervisor Bennington reminded Supervisor Fox that the Zoning Hearing Board is a separate authority who has no dealings with the Board of Supervisors, and who makes their own decisions based upon their interpretation of the Zoning Ordinance. There should be no contact between the Zoning Hearing Board and members of the Board of Supervisors, either before, during, or after these types of hearings. As such, Supervisor Bennington stated, if the Zoning Hearing Board is ever deposed, then individuals who make contact with the Zoning Hearing Board, before, during, or after a hearing, could have a serious problem with future court cases. Supervisor Bennington refused to second the motion by Supervisor Fox because he is relying upon the decision of the Zoning Hearing Board in this case, as well as other decisions they may make, since they are a separate authority with no link directly to the Board of Supervisors.

Supervisor Fox commented the Zoning Hearing Board is not an autonomous group, they can not make up their own laws and their own rules, but rather they must follow the Comprehensive Plan. That is why they are there. The Zoning Hearing Board gives special exception in variances where there is hardship that the individual has not caused themselves, and mostly those hardships that occurred before zoning went into effect. Supervisor Fox stated there is no one who can decide to change the Township's zoning at will, feeling they have no rules to follow. In the Zoning Hearing decision for Waste Management, certain sections of the Zoning Ordinance are

referred to, however those sections do not say what the Zoning Hearing Board claim they do.

Chairman Bennett also refused to second Supervisor Fox's motion. For the benefit of those present, Chairman Bennett advised the Zoning Hearing Board consists of three members for staggered three year terms, all of whom are appointed by the Board of Supervisors. They also have their own solicitor and do not make decisions without advice from their solicitor. Chairman Bennett noted Supervisor Fox is very unhappy with the last three Zoning Hearing Board decisions because he simply did not agree with their results. The three recent decisions were majority 2 to 1 decisions, which Chairman Bennett personally found nothing wrong with. Chairman Bennett stated it has been reported to him that Supervisor Fox has been seen to have been attempting to influence one of those members of the Zoning Hearing Board, which is absolutely illegal.

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

O. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the July 10, 1995 Board of Supervisors Worksession meeting was adjourned at 9:14PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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