

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, June 26, 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 7:31PM and opened with the Pledge of Allegiance.

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

Chairman Bennett announced the Supervisors, the Township Solicitor, and the Township Engineer met in Executive Session prior to this meeting to discuss real estate matters.

A. APPROVAL OF MINUTES:

Action on the minutes of the April 24, 1995 Meeting:

Supervisor Bennington noted the following corrections and clarifications:

- pg. 2, third paragraph, (action on the minutes of the March 27, 1995 Board of Supervisors meeting), where Supervisor Fox had added a statement. For clarification, Supervisor Bennington commented that as a private citizen, Mr. Fox has the privilege to go anywhere he wants to. In that motion at the time, Supervisor Bennington explained he was just stating that none of the three Supervisors, individually, will represent the Township unless two Supervisors make that motion. Chairman Bennett agreed.

- pg. 16, under "Supervisor's Comments," where Supervisor Fox expressed concern that members of the Board seem to be trying to limit his constitutional rights of where he goes and what he does. Supervisor Bennington clarified that he personally does not care about Mr. Fox's social calendar, and was just making a point that he and Chairman Bennett attended a fire banquet where certain issues were discussed. Mr. Bennington noted Mr. Fox was given an opportunity to participate, however he decided to hold his own special, private meeting with the fire company, without inviting Mr. Bennington and Chairman Bennett.

Supervisor Fox commented he is not in concurrence with the last statement made by Supervisor Bennington.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the April 24, 1995 Board of Supervisors meeting, as corrected.

Action on the minutes of the May 22, 1995 Meeting:

Supervisor Bennington noted the following corrections and clarifications:

- pg. 3, Section A, Approval of minutes of the April 24, 1995 Board of Supervisors Meeting - Supervisor Bennington commented he specifically said "there were some **mental midgets** in this Township who have been spreading a rumor that when he was telephoned during the April 24, 1995 meeting while on a business trip in Holland, the phone bill was over \$1,000.00." Even during the election, Supervisor Bennington stated, these people were saying that phone bill was well over \$1,000.00, which is untrue. Supervisor Bennington presented a copy of the phone bill, which totalled \$21.99, to be attached and to become a part of the May 22, 1995 Board of Supervisors meeting minutes.

- pg. 12, first paragraph, 8th line, which states "Mr. Beck stated any resident who agrees to connect to the public water system and who caps their well, will receive a rebate", Supervisor Bennington does not believe that is an approved motion by the Hilltown Water and Sewer Authority, and believes that sentence should be struck from the official minutes. Supervisor Fox commented Mr. Beck did make that statement. Supervisor Bennington suggested a disclaimer be placed on that sentence, and the Board agreed.

Supervisor Fox noted the following correction:

- pg. 17, second paragraph, third sentence, should read "Mr. Horrocks believes the only viable solution the Township can legally attempt would be to bring in an officer on overtime, in a marked car from 6:00AM to **8:00AM**, and from 4:00PM to 6:00PM, to park on Middle Road."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 22, 1995 Board of Supervisors meeting, as corrected.

Action on the minutes of the June 12, 1995 Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 12, 1995 Board of Supervisors meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated June 27, 1995, with General Fund payments in the amount of \$114,654.88; Fire Protection Fund payments in the amount of \$42,600.00; and State Highway Aid payments in the amount of \$10,407.06; for a grand total of all funds in the amount of \$298,584.86.

Chairman Bennett advised this Bills List includes contributions to the seven fire companies.

Supervisor Bennington asked if the payment on page 6 to Telford Borough Authority in the amount of \$73,850.74 is for the sewer project. Mr. Horrocks replied that is the first payment for the sewer project.

Chairman Bennett asked for clarification of the payment in the amount of \$524.00 to Kopp Equipment Sales listed on page 6. Mr. Horrocks explained that bill was for the purchase of a radio for a marked police vehicle to replace the radio which is currently in the Manager's vehicle. Chairman Bennett questioned the bill for "copier rental" from ITS Office Systems, Inc. in the amount of \$374.00. Mr. Horrocks noted that is the monthly payment for the new copier.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated June 27, 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 June 23, 1995:

General Fund Checking	\$ 237,896.59
Payroll Checking	\$ 262.62
Fire Funding Checking	\$ 89,311.39
Debt Service Investment Checking	\$ 203,283.76
State Highway Aid Checking	\$ 221,094.01
Escrow Fund Checking	\$ 134,974.70

At the end of the six month period, Mr. Horrocks will provide a comparison statement at the July 10, 1995 Board of Supervisors Worksession meeting.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated June 23, 1995, subject to audit.

D. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: Mr. Richard Lesmeister of 508 Upper Stump Road, was in attendance to speak on behalf of several neighboring residents about the condition of the property located at 506 Upper Stump Road, owned by Mr. and Mrs. Stephen Thompson. Mr. Lesmeister advised he and his neighbors, including Mr. and Mrs. John Naas, Mr. Ivan Kayser, Mrs. Gretchen Raab, and Mrs. and Mrs. Thomas Andress, all of whom border the Thompson property, are greatly concerned that their rights as taxpayers are being violated.

Mr. Lesmeister explained the Thompson property is heavily overgrown and is in violation of Article II Property Maintenance, Section 09-5, Open Lots of the Zoning Ordinance #85-8. After speaking with Mr. Nace, the Zoning Officer, Mr. Lesmeister was informed that Mr. Thompson was attempting remodification of the ordinance to establish a small wildlife and bird sanctuary on their property.

Mr. Lesmeister stated he and the neighbors have been maintaining the buffer area around this overgrown field since Mr. and Mrs. Thompson purchased the property, in an attempt to keep the growth and animals from encroaching onto their properties. There has been no effort by Mr. Thompson to maintain any of the buffer zones bordering the field. When Mr. Lesmeister purchased his home, he was informed and shown the ordinances concerning the growth in the open area and was assured that the conditions being experienced today could never exist. Mr. Lesmeister noted the present growth is anywhere from two feet to four feet in height and beyond.

After Mr. Lesmeister spoke to Mr. Nace in May, asking that he again cite the property owner, Mr. Nace did so, but never explained that this phone call would not be considered a formal complaint. Mr. Lesmeister and several other neighbors had written a formal complaint in June or July of 1994, and the complaint had been dealt with at that time. However, it was not until June 7, 1995, when another written complaint was filed with the Township that Mr. Thompson's 30 day period to comply began. Mr. Lesmeister feels he and the neighbors should have been informed at the outset that a new written complaint was necessary for action.

The view from Upper Stump Road has been obscured by this overgrowth, making the neighboring properties more vulnerable to theft and vandalism. Overgrowth has created a blind corner at the bend in the private lane, making it a safety factor for the children playing and riding their bikes. Further, Mr. Lesmeister noted, the bus stop for the children is located at the entrance to the private lane and is no longer visible from the homes. The overgrowth makes it impossible for the residents of the private lane to watch their children from their homes while they are at the bus stop. Parents have restricted the playing area of their children away from the field for fear of unwanted animals, ticks,

and insects which could cause disease such as rabies and Lyme disease.

Since this area is rural, with no public hydrants accessible, Mr. Lesmeister is also concerned about the added fear of fire in the field. The devaluation of their properties further concerns Mr. Lesmeister and his neighbors. One of the neighbors is presently trying to sell his property and has been questioned by perspective buyers as to the condition in the field. Mr. Lesmeister commented he and his neighbors maintain their homes and properties, and feel this unsightly, overgrown field does not present the best outlook for the neighborhood. Mr. Lesmeister is not asking for the manicured lawn this property once was, only that the neighbor's rights and the Ordinances of the Township be upheld and enforced by keeping the growth on the Thompson property to a minimum. Mr. Lesmeister asked the Board of Supervisors to deny the request for a wildlife sanctuary and to take the necessary steps to require Mr. Thompson to bring his property into compliance with Township Ordinances.

Mr. Lesmeister presented photographs showing the view of Mr. Thompson's property from his own and neighboring properties, as well as a photograph of his daughter, who is 52 inches tall, standing in front of the overgrown parcel, showing that the grass towers over her by several inches.

Supervisor Fox received the information provided by Mr. Thompson just yesterday afternoon, and even though he has read through it, he has not had the opportunity to view the site yet. Supervisor Bennington would also like to inspect the property himself as well. When the Supervisors do view the property, Mr. Lesmeister would like to insure that they do so not only from the Upper Stump Road area as Mr. Nace did in the past, but also from the perspective the neighbors are faced with. Mr. Lesmeister granted permission for the Supervisors to drive down the private lane to view the Thompson property.

Mr. Stephen Thompson of 506 Upper Stump Road, owner of the property in question, was in attendance to address the situation. Mr. Thompson was unhappy with the term "wildlife sanctuary" and is not certain where that term came from. A wildlife sanctuary is not what Mr. Thompson has proposed. He is simply responding to a zoning violation he received concerning heavy undergrowth. On May 12, 1995, Mr. Thompson received a letter from the Township indicating that there was a possible violation, and he responded to Mr. Nace shortly thereafter asking specifics of where the problem was. A formal violation notice was received by Mr. Thompson on June 7, 1995, the same day he met with Mr. Nace at the property. Mr. Nace pointed out the area of the property that was allegedly in violation, which consists of approximately two acres. Mr.

Thompson stated his entire property consists of 3.99 acres. When Mr. Thompson purchased the property approximately 15 months ago, that area existed as a meadow, as it does today. Mr. Thompson noted two acres of his property, around the dwelling, is maintained weekly by a professional landscaping service and the border of the entire property is maintained weekly. Mr. Thompson advised the area in question is not a lawn, it is a meadow. He responded to Mr. Nace and the Township, requesting a review of the site and explained what maintenance procedures he implements to take care of this meadow in a responsible manner. Noxious weeds, for instance, are removed selectively by hand and without chemicals or pesticides. The meadow, in Mr. Thompson's eyes, seems to aesthetically add to his property. The idea of a cut lawn or a regularly mowed field would be objectionable to Mr. Thompson. Mr. Thompson believes his meadow to be in keeping with the Comprehensive Plan of Hilltown Township, as far as maintaining open areas and maintaining the rural character of the Township. Mr. Thompson specified in his response to Mr. Nace that this was not a case of property neglect, but rather a case of responsible management. Possibly where the term "wildlife sanctuary" came into play is because in Mr. Thompson's response, he stated that this meadow is an active and vital habitat for nesting bluebirds, pheasant, and wild turkey, as well as countless other birds and butterflies. Mr. Thompson sees this meadow as a wildlife habitat and is not proposing to declare this portion of his property as a wildlife sanctuary. Mr. Thompson stated he is simply requesting that his constitutional rights be observed in the fact that he would like to maintain his property in a way he deems appropriate. Mr. Thompson feels the maintenance program he has implemented and specified in his response are appropriate. Mr. Thompson presented photographs of the meadow, possibly from a different perspective than those of Mr. Lesmeister.

Supervisor Fox asked Mr. Thompson if he knows the difference between a wildlife habitat and a wildlife sanctuary. Mr. Thompson replied that he does not. Supervisor Fox asked if Mr. Thompson knows whether he would have to be licensed by the State to have a wildlife sanctuary. Mr. Thompson does not know.

Supervisor Bennington will inspect the property, however he has put this situation into perspective. Supervisor Bennington owns less than an acre of land in the Rural Residential area. If he had half his property overgrown and half not, Supervisor Bennington believes he would have been cited with a violation and would have to mow his property. If someone owns a piece of property, they either mow it or they do not. If someone chooses not to mow their property, Supervisor Bennington stated they are in violation of the Township's Ordinances. Chairman Bennett advised the Township does have a Weed Ordinance, and any growth that gets above 2 ft. must be mowed. Chairman Bennett did visit Mr. Thompson's property

yesterday and has mixed emotions about it. Chairman Bennett owns a farm and is currently brush-hogging fields that are the same height as Mr. Thompson's field. Chairman Bennett mows those fields approximately three times per year, and feels that two acres is a fairly small area to be considered a bird or wildlife sanctuary. There have been many complaints over the years from residents concerning this same issue because dense undergrowth tends to draw vermin such as rats, groundhog and field mice. Chairman Bennett understands Mr. Thompson's feelings, however if he owned fifty acres instead of four acres, this issue would most likely not be a problem; or if Mr. Thompson's property was located in the Agricultural Security District, it might not be a problem. On the other hand, Chairman Bennett stated the neighbors do have manicured lawns and he can certainly understand their feelings as well. A Weed Ordinance exists in this Township which dictates that Mr. Thompson would have to mow that meadow. Chairman Bennett suggested that Mr. Thompson mow the field at least two or three times a year. At present, Mr. Thompson advised, the field is mowed once a year. Chairman Bennett felt that once a year was not frequent enough. He mowed his fields once in late April, is in the process of mowing them right now, and believes he will probably mow them at least one more time this year.

Chairman Bennett is not prepared to vote on this matter tonight, and recommended that Supervisors Bennington and Fox inspect the property before rendering a decision at the July 10, 1995 worksession meeting. The Board was in agreement.

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

1. Mr. Horrocks presented fourteen escrow releases, ten of which are bank held letters of credit, and two which are cash held by the Township:

Blooming Glen Mennonite Church	Voucher #03	\$ 217.40
Country Roads Phase II	Voucher #05	\$ 2,377.45
Country Roads Phase II	Voucher #06	\$ 90,288.00
Gro-N-Sell, Inc.	Voucher #02	\$ 285.80
Hilltown Hunt	Voucher #01	\$ 1,145.15
Orchard Station	Voucher #7A	\$ 109.90
Orchard Station	Voucher #8A	\$ 2,390.10
Pleasant Meadows Phase II	Voucher #1A	\$ 79.80
Quiet Acres	Voucher #06	\$ 1,311.65
Quiet Acres	Voucher #07	\$ 36,320.40
Quiet Acres	Voucher #08	\$ 15,653.00
Sterling Knoll Phase II	Voucher #5A	\$ 375.60
Wietecha Subdivision	Voucher #02	\$ 69.30
Wietecha Subdivision	Voucher #03	\$ 2,571.70

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

2. There are a series of four Ordinances Mr. Horrocks would like Board authorization to advertise for adoption at a future meeting. Briefly, one Ordinance is to change the name of Stump Road to Upper Stump Road, for its entirety, from Rt. 113 to Rt. 152. Currently, from Rt. 152 to Callowhill Road, the street is called Upper Stump Road, and from Callowhill Road to Rt. 313, the street is called Stump Road. This has caused some confusion with 911 emergency services, with the police department, and with mail delivery. Mr. Horrocks explained the New Britain Township Manager is currently making the same request of his Board this evening, since Hilltown Township and New Britain Township share this roadway. New Britain Township is in favor of the street name change, as is the fire department who covers this district area.

The second Ordinance would be to change the name of West Callowhill Road, from South Perkasio Road north to the border with East Rockhill Township and Perkasio Borough, to East Callowhill Street. This is what it is currently called as it continues through Perkasio Borough and into East Rockhill Township. This request was made by the Perkasio postmaster, in hopes of eliminating dual addresses.

The third Ordinance would be to regulate and restrict outdoor fires. It is extremely similar to an Ordinance adopted by Milford Township several years ago. Mr. Horrocks noted this Ordinance does allow outdoor burning, however there are certain specifications involved.

The last proposed Ordinance is to change the stop sign at Upper Church Road and Stump Road. Currently, the stop sign is located on Upper Church Road which is a perfectly straight road at that point. Mr. Horrocks advised Stump Road contains a slight jog, and if the stop signs are reversed, it may make the intersection safer. This has also been discussed with New Britain Township since they share the intersection with Hilltown Township, and they are agreeable to the change.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize advertisement of the four proposed Ordinances, as listed above.

3. Mr. Horrocks presented a copy of the new agreement for the T.E.S.T. Team, which Hilltown Township has been a member of since its enactment many years ago. Obviously, the participants of the T.E.S.T. Team have changed because there is no longer a Sellersville Borough Police Department or an East Rockhill Township

Police Department. Mr. Horrocks believes all the other participating municipalities, including Telford Borough, Perkasio Borough, and Pennridge Regional have adopted this agreement. Mr. Horrocks noted Hilltown Township has an Ordinance dealing with the T.E.S.T. Team which will require amendment when this agreement is signed. Solicitor Grabowski advised the original Ordinance was under the Intergovernmental Cooperation Act, giving the authorization for municipalities to adopt and enact the agreement. The original Ordinance can be amended to reflect the new parties to the agreement. Supervisor Fox quoted a portion of the agreement, which states "There exists, in Upper Bucks County, no law enforcement unit trained in the handling of high risk emergency situations" and commented he believes that statement is no longer correct. Supervisor Fox feels that statement should be corrected or clarified. Chief Egly noted all participating police departments, except Hilltown Township, have signed the agreement. If there is a rush to sign the agreement this evening, Solicitor Grabowski noted the Supervisors could approve the agreement tonight in form or in substance, and then officially execute it along with the amendment to the Ordinance, when it has been advertised.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize advertisement of the Ordinance amendment concerning the T.E.S.T. Team, and to approve the T.E.S.T. Team agreement, in theory.

4. Mr. Horrocks presented Bid proposals #95-6 for Asphalt and #95-7 for Aggregate. Two bids were received, one from H & K Materials and one from M & M Stone.

Bid #95-6 - Asphalt:

M & M Stone - \$21.15/Ton - ID2 Wearing
\$19.92/Ton - ID2 Binder

H & K Materials - \$20.40/Ton - ID2 Wearing
\$18.40/Ton - ID2 Binder

Mr. Horrocks recommended awarding Bid #95-6 for Asphalt to H & K Materials for the prices as specified above.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the low bid from H & K Materials for Bid #95-6 - Asphalt, as specified above, subject to all required bids being submitted.

Bid #95-7 - Aggregate:

H & K Materials	- #1 Crushed Stone	- \$ 6.40
	#2A Modified Stone	- \$ 4.85
	#2 Crushed Stone	- \$ 6.10
	#3A Crushed Stone	- \$ 5.15
	#3A Modified Stone	- \$ 5.00
	#4 Crushed Stone	- \$ 5.15
	#5 Modified Stone	- \$ 4.85
	Surge	-
M & M Stone	- #1 Crushed Stone	- \$ 6.85
	#2A Modified Stone	- \$ 4.35
	#2 Crushed Stone	- \$ 6.20
	#3A Crushed Stone	- \$ 5.15
	#3A Modified Stone	- \$ 4.35
	#4 Crushed Stone	- \$ 5.20
	#5 Modified Stone	- NO BID
	Surge	- \$ 5.75

Discussion took place concerning how to determine who should be awarded the bid, and if the different types of stone could be awarded individually. Another factor would be the amount of time the Hilltown Township Public Works vehicles would be on the road to pick up the aggregate. The Supervisors agreed to table awarding Bid #95-7 until the July 10, 1995 Worksession meeting, which would also give them the opportunity to speak with Mr. Buzby, Director of Public Works, for his opinion and recommendation.

G. CORRESPONDENCE:

1. The Township received the annual report from PennDot concerning accidents within Hilltown Township for the year 1994.

2. Mr. Horrocks has written to a member of the model airplane club that flies on Quarry Road. They are expected to be addressing a written agreement at their next meeting, then forwarding it to the Township.

3. A request has been received from the Menlo Carousel Preservation Committee for donations. Mr. Horrocks will forward the request to the Park and Recreation Board for review.

4. Correspondence has been received from New Britain Township advising they received a letter from a Hilltown Township resident requesting the speed limit be reduced on Stump Road. Since Stump Road is a shared roadway, New Britain Township is prepared to move forward with a traffic study, if that is acceptable to the Board of Supervisors. Supervisor Fox asked what the present speed limit is on Stump Road. Chief Egly replied Stump Road is not

posted, which means the speed limit is 55 m.p.h.. The Board was in agreement to allow New Britain Township to conduct a traffic study on Stump Road.

5. The developers of Country Roads, Mignatti Ventures, Inc., have experienced a Federal paperwork problem concerning their open space area. Solicitor Grabowski advised the developer's attorney contacted him, stating that in order for Country Roads to be eligible for H.U.D. subsidized mortgage financing, they must amend the declaration of covenant relating to the open space. A suggested list of changes was forwarded to Solicitor Grabowski, along with a request for the Supervisors to quickly accept them and authorize the change in the declaration, which is a recorded document at the Recorder of Deeds. Solicitor Grabowski did not want to spend the time to review the document without the Board's permission, and suggested that the developer's attorney personally make that request of the Board of Supervisors at a public meeting. Mr. Horrocks noted Mr. McKenna of Mignatti Ventures feels there is no action by the Board required. The matter was tabled until further information is received.

6. A report has been received from McMann and Associates, involving traffic signals on Rt. 309 at Hilltown Crossings. At this time, Mr. Horrocks does not believe there is any need for the Board to adopt resolutions until more information is received from PennDot.

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

1. Solicitor Grabowski presented development agreements and multiple resolutions for the Board's consideration concerning Bricks Villa, located on Rt. 113 and Diamond Street, which is now known as "Hilltown Woods." The developer is Parec/Hilltown Woods Associates. The development agreements and financial security agreements are in hand. The financial security agreement is funded through Core States Bank, and a letter of credit has been issued to the Township in the amount of \$633,137.96. In addition, there is also the letter of credit and certificate of insurance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept and authorize Hilltown Woods development agreement and financial security agreement, to **adopt Resolution #95-27, which is acceptance of a Declaration of Easement for right-of-way of Schultz Road, Diamond Street and Rt. 113 for the Hilltown Woods Subdivision and to adopt Resolution #95-28, which is acceptance of a Street Light Petition for Hilltown Woods, with the street lights being accomplished according to the approved plan.**

2. The second set of agreements is for the Hilltown Hunt Subdivision, which is located directly across the street from the Township building. The developer is Realen Custom Builders. The cost of required improvements has also been secured by Core States Bank, through the issuance of a letter of credit, in the amount of \$666,985.80. In addition to those agreements, Solicitor Grabowski presented the certificate of insurance, the letter of credit, a resolution to accept the street light petition, a resolution to accept the multiple deeds of dedication of open space, a resolution to declare public purpose for acceptance of dedication of the open space, a resolution to accept deed of dedication of right-of-way of Rt. 152 and West Creamery Road, and a resolution for declaration of public purpose for accepting the right-of-way and easements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-29 for acceptance of street light petition for Hilltown Hunt Subdivision; to adopt Resolution #95-30 to accept multiple Deeds of Dedication for Hilltown Hunt; to adopt Resolution #95-31 to Declare Public Purpose for the Deeds of Dedication for Hilltown Hunt; to adopt Resolution #95-32 to accept Deeds of Dedication of Rt. 152 and West Creamery Road for Hilltown Hunt; and to adopt Resolution #95-33 for declaring Public Purpose to accept the rights-of-way and easements for Hilltown Hunt Subdivision.**

3. The Ralph Moyer Subdivision is funded through an escrow account which is being maintained at First Savings Bank of Perkaspie in the amount of \$18,060.75.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept and execute the development agreement and financial security agreement for the Ralph Moyer Subdivision.

4. The next one is the Calvary Church Land Development. Solicitor Grabowski presented a resolution to accept the declaration of easement for the ultimate right-of-way of Rt. 113 which has been offered to the Township, along with their land development plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-34 to accept the Declaration of Easement for the ultimate right-of-way of Rt. 113 for the Calvary Church Land Development.**

5. Solicitor Grabowski presented two resolutions for the Sterling Knoll Subdivision, Phase II, in order to accept the internal road system and to declare public purpose for accepting the internal road system, which includes Noble Drive, Sterling Drive, and Gentry Drive.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-35 to accept the internal road system of the Sterling Knoll Subdivision, Phase II; and to adopt Resolution #95-36 to Declare Public Purpose for accepting the internal road system.**

6. Solicitor Grabowski presented a written report showing the status of various zoning matters and litigation which are ongoing at this time.

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

1. Carson Helicopter (Preliminary) - This land development is located on Blooming Glen Road. The plan proposes a 200 ft. by 200 ft. building A, and a 30 ft. by 30 ft. building B. Mr. Harris, attorney for the applicant, explained a special exception was granted by the Zoning Hearing Board to construct, as a non-conforming use, a proposed warehouse storage building which is identified as proposed building A, and a noise test cell, bringing that use which was formerly conducted outside into the building for sound control purposes, identified as building B. Mr. Wynn's engineering review letter, dated June 13, 1995, was discussed. The plan received a recommendation for conditional preliminary approval by the Planning Commission, subject to completion of the following conditions:

- As requested by the applicant, the Planning Commission recommends waiver of street improvements along Blooming Glen Road.

Mr. Harris explained this use is a warehouse use and it is anticipated there will be no further employees. The plan has been designed to bring what is now outside storage, inside the building.

- Stormwater detention basin facility must be resolved such that same controls the run-off from the site to the pre-development flow for the two, five, ten, and twenty five year storms for the entire site.

Originally, Mr. Harris noted, the stormwater detention basin facility was proposed to handle just the stormwater runoff from the new buildings. However, the Planning Commission asked, and the applicant agreed, to include all of the stormwater runoff from a twenty five year storm as if nothing had been constructed on the site, thereby treating the entire site as undeveloped and to take into account all of the impervious surface on the site.

- Right-of-way of Blooming Glen Road should be accepted by the Township as offered by note on the plan.

- Verification of approval of proposed erosion and sedimentation control measures should be received in writing from the Bucks County Conservation District.

When the change was made in the facility from handling the stormwater for just the new buildings to the entire site, Mr. Harris explained it meant the area disturbed for the basin exceeded five acres and therefore required Bucks County Conservation District approval.

- Financial Security and Land Development Agreements should be executed between the applicant and the Township to guarantee installation of required improvements.

- Miscellaneous engineering/drafting details as included in the June 13, 1995 engineering review must be accomplished.

Mr. Harris asked if the Board would consider granting conditional preliminary and final approval to the plan. Supervisor Fox stated this is a huge non-conforming development and he would not be willing to make a final approval. Supervisor Bennington agreed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant conditional preliminary approval to the Carson Helicopter plan, pending completion of all outstanding items as noted in Mr. Wynn's engineering review letter.

Supervisor Bennington asked if there is a point with this property, where the Township knows Carson Helicopters is non-conforming and they can not continue to expand beyond the non-conformance. Mr. Harris commented that is exactly what the Zoning Hearing Board decision did. This matter was before the Zoning Hearing Board twice, and in its decision, the Zoning Hearing Board went through each of the buildings, established the area that was non-conforming, calculated the amount of the non-conformity, calculated the amount of expansion the applicant was allowed and which was used as a result of this. Therefore, Mr. Harris noted it is defined and has been defined in a very careful manner by the Zoning Hearing Board. Further, the Zoning Hearing Board decision is specifically noted on the land development plan so that there will always be a reference back for it to be defined.

2. Nickel Land Development (Preliminary/Final) - The site is located on Rt. 309, three properties down from the Skate Ranch in the PC-1 Zoning District, and is presently a single family dwelling. This property is proposed to be converted to a commercial use, thereby eliminating the residential use. The property is to be used for retail marine sales and repairs. There is also a large area proposed for the storage of boats. The

Planning Commission recommended preliminary/final plan approval, subject to the following conditions:

- Execution of an agreement with the Township regarding parking lot reduction pursuant to Section 522 of the Zoning Ordinance.

- Receipt of a Highway Occupancy Permit from PennDot for proposed improvements along Rt. 309 and access to the site.

- Property monumentation must be installed and certified in writing by the responsible surveyor.

- Planning module approval must be received from PADER, unless waived by DER.

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

- Miscellaneous engineering/drafting details as included in the engineering review dated June 12, 1995 should be accomplished.

- As requested by the applicant, the Planning Commission recommends waiver of sidewalks.

In addition to the existing dwelling, Mr. Wynn advised the applicant has proposed a 3,000 sq. ft. building and a parking area. The parking area includes a reduction permitted by the Zoning Ordinance so that there are 14 reserved spaces shown, however those spaces will not be constructed unless it is deemed necessary by the Township. Street improvements are proposed to be installed along Rt. 309, including curb, cartway widening, and stormsewers. A retention basin is to be installed in the southwest corner of the property. There are some existing trees located along the road which are to be removed due to regrading of the bank. Four proposed trees are to be reinstalled along Rt. 309, as well as some parking lot plantings and a row of 30 white pines along the Snyder property, in order to provide buffer from the storage area. The site is proposed to be served by a 1,000 gallon holding tank, as shown on the plan.

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

3. PECO Subdivision (Minor) - Since there has been no activity on this plan since the submission, and there has been no

response from the applicant or their engineer, the Planning Commission unanimously recommended denial of the plan for non-compliance with requirements of the Bucks County Planning Commission review dated April 26, 1995, and the engineering review, dated April 5, 1995. This recommendation provides that in the event a 90 day extension is received from the applicant, the denial action is voided. Additionally, the Planning Commission requests the applicant be notified to attend a Planning Commission meeting to present the subdivision plan. The site is located on Rt. 152, just north of the New Britain Township line.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the PECO Subdivision, based upon the Bucks County Planning Commission review, dated April 26, 1995 and the engineering review, dated April 5, 1995; and providing that in the event a 90 day extension is received from the applicant, the denial action is voided. Additionally, the applicant will be notified to attend a Planning Commission meeting to present the subdivision plan.

4. Calvary Church Land Development - Mr. Wynn explained the application for this land development plan was originally submitted to the Township on February 8, 1995. Since that time, no additional plans or documents have been received. As such, Mr. Wynn's office recommends that in the event revised plans and documents are not submitted within the additional 90 day extension, the applicant be notified that no further extensions will be accepted by the Township.

Mr. Wynn noted this preliminary land development for Calvary Church was unanimously recommended for denial by the Planning Commission due to non-compliance with minimum preliminary plan submission requirements as noted in the engineering review, dated February 22, 1995. The Planning Commission denial recommendation includes a provision that in the event a 90 day extension is granted by the applicant, the denial is void.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Calvary Church Land Development due to non-compliance with minimum preliminary plan submission requirements as noted in the engineering review, dated February 22, 1995, and including a provision that in the event an extension is received within ten days of this date, the denial is void.

5. Bilt-Rite Land Development - This plan was unanimously recommended for denial by the Planning Commission due to non-compliance with requirements as outlined in the engineering review, dated September 29, 1995.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Bilt-Rite Land Development Plan, due to non-compliance with requirements as outlined in the engineering review, dated September 29, 1995.

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

1. Sterling Knoll - The 18 month maintenance period comes to an end tomorrow, June 27, 1995. The applicant has completed the final maintenance items, has replaced sidewalks, and most recently repaired the retention basin by installing sod in the bottom of the basin. Also, 18 months ago when the development was accepted, there were eleven extra trees which were not installed in the open space. Those eleven trees were then planted at the new park. Mr. Wynn recommends the Board accept completion of the 18 month maintenance period for Sterling Knoll.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the 18 month maintenance period for the Sterling Knoll Subdivision.

2. Schade Tract Subdivision - Mr. Wynn noted this property is located on Rickert Road and Green Street. It is a five lot subdivision with a letter of credit to guarantee landscaping, swale re-grading, driveway installation, and monuments and pins on the property. Approximately 70% of those improvements were completed, however the rest remain outstanding. Annually since 1991, Mr. Wynn noted the Township experienced a difficulty with the letter of credit for this development. When this occurred in 1994, the applicant had indicated improvements would be completed by July 1, 1995. Mr. Wynn notified the developer of incomplete items, which included landscaping on Lot #5, three trees missing on Lot #1, four trees missing on Lot #2, one tree missing between Lots #1 and #2, three property corners could not be located, five trees required along Rickert Road were not installed, and the roadway grading and driveways were not installed. Since that time, Mr. Wynn reminded the developer on April 27, 1995 about the July 1, 1995 deadline, and more recently, on May 16, 1995 about the July 1, 1995 deadline. Mr. Wynn then received a letter, dated June 8, 1995, which the applicant claims they forwarded to Mr. Horrocks back in 1991, that says the owner of Lot #5 was requested to put up \$4,000.00 for the Township to accept. If the Board recalls, there was a proposal by the applicant last year to do the same with the owners of Lots #3 and #4. The applicant indicated that no one from the Township has ever accepted or rejected the proposal.

Mr. Wynn recommends the Supervisors authorize notification to the applicant that if these improvements are not completed by the end of July, they will be considered in default.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Wynn to contact the developer of the Schade Tract Subdivision for completion of required improvements by July 30, 1995, and if those improvements are not completed, the developer will be held in default.

3. Country Roads Phase I - The applicant's time frame for completion of improvements expires on July 27, 1995, and they plan to grant an extension, however it has not yet been received. This plan will be on next month's agenda for action.

4. Anders Carpets - The applicant had an escrow agreement which was completed 18 months ago, that included a small retention basin and some trees. The 18 month maintenance period expires at the end of this month. The applicant has replaced three trees and re-seeded the basin. These are all public improvements on private property. Mr. Wynn recommends the Supervisors accept completion of the 18 month maintenance period for Anders Carpets.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept completion of the 18 month maintenance period for the Anders Carpets project.

5. Telvil Corporation Subdivision - The site is located at Cherry Lane and Cherry Road. There is a deadline of July 5, 1995. Mr. Wynn explained the applicant received a punchlist from the Authority months ago with regard to a few items which had to be done before the Township allows them to final pave the roadway. Those improvements have not yet been completed. Mr. Wynn advised there appears to be some animosity with the contractor, who informed Mr. Wynn's office that they will pave that roadway, even though they have not completed the required improvements. Mr. Wynn's office has been directed to stop the contractor from paving that roadway due to the fact that the Authority has not yet approved it. Mr. Wynn noted the applicant will not meet their deadline of July 5, 1995 and they will no longer have a letter of credit after that date. Because the road can not be paved until the matter with the Authority is resolved, and because the applicant's letter of credit expires before the Supervisor's next meeting, it is Mr. Wynn's recommendation that the Board approve a motion that in the event the Township does not receive a new letter of credit or additional guarantee, the developer be found in default.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously instruct Telvil Corporation that if a letter of credit is not received by July 5, 1995, they will be found in default.

6. Mr. Horrocks obtained copies of the bid specifications for Bid #95-7 and has calculated the two bids received. Mr. Horrocks advised all bid prices are F.O.B. plant, and Hilltown Township reserves the right to adjust bidders unit price \$.50 per mile per ton, with the adjustment to be based on travel from center point of the Township. Based upon those specifications, Mr. Horrocks noted the two items in which M & M Stone quoted lower on, is actually now higher. Effectively, Supervisor Fox noted, all similar bids in the future would be awarded to H & K Quarry because of these stipulations. Supervisor Bennington agreed and suggested the bid award be tabled until the next worksession meeting when Mr. Buzby, Director of Public Works, is present. The Supervisors were in agreement.

K. RESIDENT'S COMMENTS:

1. Mr. John Gillespie, representing the Hilltown Fire Company and the Silverdale Fire Company, whose jurisdiction falls at Moyer Road and Rt. 113, was in attendance to explain that they have entered into a verbal agreement with Mr. Moyer and Mr. Rosenberger to establish a drafting site at the bridge at that location. Preliminary plans have been submitted to DER for Mr. Rosenberger to dredge his side above the dam. There is a verbal agreement with both gentleman for a dry hydrant on either side of the bridge. Mr. Gillespie believes PennDot approval will also be required and a legal agreement will be drawn up. The dam is 5 ft. deep and will supply approximately one and a half million gallons when dredged, thereby providing fire protection for that end of the Township, which currently has no public water. There are hydrants on Blooming Glen Road and South Perkasio Road, but nothing in the area of Rt. 113 and Moyer Road. By having it on both sides of the bridge, the fire departments will be able to fill tankers faster. Supervisor Bennington asked if the dam is manmade or springfed. Mr. Gillespie replied according to Mr. Rosenberger the dam is manmade. There will be a series of dams on Mr. Rosenberger's property which he had previously obtained approval for to retain and conserve the water.

2. Chairman Bennett asked the status of the Rumer Subdivision. Mr. Wynn met with Mrs. Rumer and her engineer, Dave Downs, who will be modifying the detention basin as discussed at a previous meeting.

3. Mrs. Jean Bolger commented the new park is lovely and she is happy to see residents making use of it.

Mrs. Bolger assumes the trench recently dug behind the Township building and the other construction activity on the site is for the relocation of the helipad in anticipation of the tower. Mrs. Bolger asked where the helipad will be moved to. Mr. Horrocks

stated the helipad will be moved to the side of the Township building closest to Rt. 152. Mrs. Bolger asked how long it will take to erect the tower itself. Mr. Horrocks replied the project should be complete in approximately three and a half weeks.

2. Mr. John Bolger was curious as to why the tower is still proposed at 129 feet. Supervisor Bennington commented the experts told the Supervisors that height was needed, and since he is not an expert, he must go by their opinion. Mr. Bolger believes the tower height, by moving it from the Bolton farm site to the Township building location, should have been approximately 80 ft.. Supervisor Bennington noted there were no experts available and willing to differentiate from what the Comcast experts explained to the Supervisors. Chairman Bennett stated the proposed tower is 20 ft. lower than it would have been had it been placed on the Bolton farm. Mr. Bolger asked the difference in elevation from the tower being here at the Township building or at the Bolton farm. Supervisor Fox replied it was a little over 100 feet. Mr. Bolger asked the tower height proposed at the Bolton farm site. Chairman Bennett replied that height was to have been 150 feet. Mr. Bolger wondered why the tower is not proposed at 50 ft. here.

3. Mr. Kermit Yoder of 114H Blooming Glen Road encouraged the Supervisors to follow through with the recommendation of the Planning Commission concerning the Carson Helicopter project, specifically the recommendation for a stormwater runoff retention basin. Through prior development, Mr. Yoder advised, there has been concentrated water runoff which is uncontrolled at this point, that has resulted in significant downstream erosion. Mr. Yoder is happy that the Planning Commission is recommending that land development plan to include a retention basin, and encouraged the Board to stand by that recommendation. Chairman Bennett commented the Board will insure that requirement is done, or they will not grant the plan final approval.

4. Ms. Lorraine Longyehr of Rt. 313 requested a variance to erect a temporary sign on Broad Street on the A.J. Moyer property which is currently leased to Herrmann Landscaping. Mrs. Longyehr explained she presently lives in "the twilight zone" between Broad Street and the construction in Dublin, which has caused her small business to suffer due to detours and lack of traffic. Mrs. Longyehr would like to erect an 18" by 24" temporary sign on Broad Street before the stop sign, directing vehicular traffic to her business. The Supervisors were agreeable to granting this request, and advised Mrs. Longyehr to contact the Zoning Officer tomorrow in order to complete a temporary sign permit application.

L. SUPERVISOR'S COMMENTS: None.

M. PRESS CONFERENCE: A conference was held to answer questions

Page 21
Board of Supervisors
June 26, 1995

pg. 2512

of those reporters present.

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the June 26, 1995 Board of Supervisors Meeting was adjourned at 9:30PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lynda Seimes". The signature is written in a cursive, flowing style.

Lynda Seimes
Township Secretary