

**HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS WORKSESSION MEETING
Monday, April 10, 1995
7:30PM**

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

A. DECISION ON PROPOSED A.W.A.C.S. TOWER:

Chairman Bennett advised the first order of business this evening will be discussion on the proposed A.W.A.C.S. tower. The Board has held three previous meetings on January 31, 1995, February 25, 1995, and March 29, 1995, to hear testimony from the applicants for this conditional use, as well as public comment. Further, the Supervisors met in Executive Session on Monday, April 3, 1995 for one hour to further discuss the matter. The proposal concerns construction of a 130 ft. tower on Township property to the rear of this building. No further testimony will be heard this evening.

As was stated in the Public Hearing, Supervisor Fox commented the proposed Comcast tower is allowable in all areas of the Township under certain conditions. Supervisor Fox believes the tower would be beneficial to the municipality. Supervisor Fox has some specific conditions that he feels should be required for recommendation of lease enactment. These conditions are the relocation of the heliport; installation of a red light at the top of the tower, according to F.A.A. regulations; all zoning regulations applying to towers should be strictly adhered to; lowering the height of the tower to a reasonable height; if new technology is developed which makes the tower obsolete, Comcast will be responsible for removing the tower; and specification that any rental additions to the tower by Comcast to another company be approved by the Board of Supervisors before it is granted.

Supervisor Bennington noted this decision is not an easy one to make, and he has concerns similar to those of Supervisor Fox. After careful review and a great deal of thought, Supervisor Bennington will vote to approve construction of the tower with conditions as will be specified by Supervisor Fox.

Chairman Bennett concurred with his fellow Supervisors, stating the issue has been studied extensively from a legal point of view and from a zoning point of view.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve placement of the Comcast A.W.A.C.S. tower on Township property at 13 West Creamery Road, granting the applicant's request for the conditional use subject to the following conditions:

- Applicant shall provide lighting upon the proposed telecommunications tower as required by the Hilltown Township Board of Supervisors.

- The precise location of the proposed telecommunications tower upon the premises shall be dictated by the Board of Supervisors of Hilltown Township.

- The proposed telecommunications tower use shall be limited to cellular telephone use operation; and municipal use by Hilltown Township and the Hilltown Township Fire Company.

Chairman Bennett pointed out that by law, the Supervisors would not have to place a light on the tower if it is lower than 200 ft., however the Board feels the light is advisable for safety reasons.

Chairman Bennett announced there is an advertised Public Hearing scheduled to begin at 8:30PM for review and possible adoption of the revised Zoning Ordinance.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented the Bills List, dated April 11, 1995, with General Fund payments in the amount of \$95,252.99; and Escrow Fund payments in the amount of \$466.05; for a grand total of all funds in the amount of \$95,719.04.

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

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

1. Now that the Board has approved the conditional use application of Comcast, Mr. Horrocks will present the lease agreement to the Supervisors following this meeting for their review.

2. Mr. Horrocks believes Comcast may have a second request they would like the Board to consider which is the waiver of land development requirements. Mr. Wynn, Township Engineer, feels it is a reasonable request to consider the waiver because of the limited impact to the property.

Motion was made by Supervisor Fox to waive land development submission requirements for the Comcast tower because of the limited impact it will have on the lands here at the Township building. Supervisor Bennington would prefer to speak to Mr. Wynn about his opinion on this matter before making a decision. The Board was in agreement. Motion died.

3. Mr. Horrocks presented a proposal for a new copy machine for the Administrative Department, which had been before the Board several months ago. At that time, the Supervisors suggested other brands of copiers be investigated. Mr. Horrocks noted approximately five demonstration models were used in the Administrative Department for the past few weeks. For the Board's consideration, Mr. Horrocks is offering the very same copier that was initially proposed. Not only was this copier the best to work with, it is still the cheapest cost. Prices quoted are on a cost per copy package and the copier will not be purchased, but rather leased for five years. This proposal will be at a .032 cents per copy at 10,000 copies per month. The only cost to the Township, other than the cost per copy, is for paper. All materials such as toner and any maintenance are incurred by the vendor. Mr. Horrocks suggested the copiers the Township currently own be sold as surplus equipment, as we do with used police vehicles. Supervisor Fox asked what the total cost to the Township will be over the five year period. Mr. Horrocks replied the cost will be \$320.00 per month. Mr. Horrocks is very impressed with the vendor because of the strong recommendation by Niessen, Dunlap and Pritchard, who also utilize their equipment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the five year contract for the Minolta CS-3050 from ITS Office Systems, as recommended by the Township Manager.

4. The annual Easter Egg Hunt was held this past Saturday, which was very well attended. The Park and Recreation Board is vigorously preparing for dedication of the Civic Field Park scheduled for May 29, 1995, which will include a full day of activities.

D. CORRESPONDENCE: None.

E. CONFIRMED APPOINTMENTS: None.

F. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT: No member of the Authority was in attendance this evening. Supervisor Fox noted this is the third month in a row where a representative from the Water and Sewer Authority has not been in attendance.

G. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby - Mr. Buzby read the Public Works Report for the period of March 5, 1995 through April 1, 1995, which is on file at the Township office.

Supervisor Bennington visited the park this past Sunday and commented the work that has been accomplished is excellent, and noted the ballfield is in A-1 condition. Supervisor Bennington commended Mr. Buzby and the Public Works Department on a job well done. The Board was in total agreement.

Mr. Buzby advised six loads of sand were delivered today for the volleyball courts, with more deliveries expected tomorrow. The swing sets are being painted and the building will be painted as well. Mr. Buzby noted the infield of the ballfield was too wet on the third baseline for the scheduled baseball game today.

Mr. Buzby explained the Public Works Department has been utilizing a demo truck this past winter and he is seeking authorization to bid a new truck, using the specifications of the demo truck. Funds to purchase the truck would come from Liquid Fuels and has been budgeted for 1995. Chairman Bennett asked for an estimated figure of what the truck might cost. Mr. Buzby replied the truck would cost approximately \$55,000.00 with the plow included. The Board was in agreement to authorize advertisement of a truck bid.

Mr. Buzby asked if the Board has reviewed the NovaChip information for Green Street which he provided at the last Worksession meeting. Hilltown Township received permission from the State to use Liquid Fuels funds for that project if approved by the Board of Supervisors. Supervisor Bennington asked how much cheaper the project will be if NovaChip is used. Mr. Buzby replied the initial cost will not be cheaper, however in the long run, the cost will be cheaper. Further, Mr. Buzby noted that by using NovaChip, shoulders will not have to be installed, resulting in an additional savings in modified topsoil and labor. The Board was in agreement to authorize the advertisement of the NovaChip bid for Green Street as requested by Mr. Buzby.

Mr. Buzby asked if a final date has been determined for road inspection. Mr. Horrocks replied the original date of April 29, 1995 has been changed. The Board agreed to conduct road inspection on Wednesday, April 19, 1995 at 8:00AM.

Mr. Horrocks mentioned the Township is currently advertising bids for the two dehumidifiers for the building which were budgeted for in 1995.

H. POLICE REPORT - Chief George C. Egly - Chief Egly read the Police Report for the month of March, 1995 which is on file at the Township office.

Chief Egly advised a speed check was conducted on Callowhill Road, west of Hilltown Pike, with the highest speed clocked at 69 m.p.h.. This morning, a speed check was conducted on Green Street, between Rickert Road and Mill Road, with the highest speed clocked at 71 m.p.h..

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

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

K. HILLTOWN FIRE COMPANY REPORT - Mr. William Devlin - Mr. Devlin read the Hilltown Fire Company Report for the month of March which is on file at the Township office.

L. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - Mr. William Devlin - Mr. Devlin read the Emergency Management Report which is on file at the Township office.

Mr. Devlin invited the Supervisors, Mr. Horrocks, and Chief Egly to attend a seminar concerning emergency management planning to be held on May 2, 1995 at Bensalem Township beginning at 9:00AM. The seminar will be geared to Township officials and police departments.

Mr. Devlin advised the operations level course scheduled with station 59 and station 60 has been changed to May 21, 1995 at 8:00AM and will be held at station 60. Again, the Board of Supervisors, Mr. Horrocks and Chief Egly are invited to attend this tabletop session.

Supervisor Fox met with Mr. Devlin and Chief Grunmeier at the Hilltown Fire Department a few weeks ago to discuss the fire department's request for land to construct a new fire station. Mr. Devlin advised the fire department owns land up to the proposed Hilltown Crossings shopping center on Rt. 309. The fire department is hoping to obtain an access from the shopping center to use the ground they own.

Supervisor Bennington asked who instigated the meeting between Supervisor Fox, Mr. Devlin, and Chief Grunmeier. Mr. Devlin replied he spoke to Supervisor Fox following a meeting, who asked to see the property owned by the fire department near the proposed shopping center. Supervisor Bennington did not feel it was appropriate for one Supervisor to meet with the fire company, without another Board member present. Supervisor Fox noted that Supervisors Bennett and Bennington spoke to Mr. Devlin concerning this matter at the fire company banquet. Supervisor Bennington

commented Supervisor Fox was also invited to the banquet, however he chose not to attend.

M. RESIDENT'S COMMENTS:

1. Mr. John Bolger asked if the Supervisors did indeed vote on allowing the zoning for the tower. Chairman Bennett replied the Board voted to allow the tower to be constructed on Township property, with several conditions as specified in the motion. Mr. Bolger commented the Supervisors have the power to lease or not to lease the ground. Supervisor Bennington advised the lease has not yet been signed. As a resident of this community, Mr. Bolger requested that the lease never be signed unless the tower height can be lowered to below the tree line.

2. Mr. David Enslow, who lives next to the Township building, did some research since the last meeting and believes that the proposed tower can be lowered to atleast 110 ft.. Mr. Enslow is very concerned about the tower issue and noted there were many discrepancies heard, on both sides of the issue, in the public meetings which were held regarding the tower. Mr. Horrocks has asked Mr. Davis to further investigate the absolute minimum height requirement for the proposed tower.

3. Mrs. Jean Bolger was very disappointed with the decision made by the Supervisors this evening with regard to the tower, stating their decision was a disgrace to this community.

4. Mr. Bill Godek asked if it was ever determined where the Gliderport runway was located in relation to the site of the proposed tower. There was a great deal of discussion at the last A.W.A.C.S. meeting with regard to the validity of the maps. Mr. Godek understands there are aerial photographs available, and asked if the Supervisors have ever viewed them which would prove where the runway is in relation to the Township building. Personally, Chairman Bennett has never seen any aerial photographs of this area, and does not believe they were presented in any of the three A.W.A.C.S. public hearings. Supervisor Fox believes the glidepath does fly over this building.

N. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington commented the Board of Supervisors heard fifteen hours of testimony concerning the tower, and they have made a decision on the conditional use application which is permitted here, however the lease has not yet been signed. The tower, at present, stands at 130 ft. but he personally would like to see it lowered.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the regularly scheduled Worksession meeting of the Hilltown Township Board of Supervisors at 8:25PM. The Board will take a five minute recess and will enter into the advertised Public Hearing for review and possible adoption of the revised Zoning Ordinance.

O. PUBLIC HEARING FOR REVIEW AND POSSIBLE ADOPTION OF THE REVISED ZONING ORDINANCE:

***The advertised Public Hearing for review and possible adoption of the revised Zoning Ordinance was called to order at 8:35pm. by Chairman William H. Bennett, Jr.**

Chairman Bennett commented two lengthy Public Hearings were held concerning the proposed Zoning Ordinance, with approximately 71 comments from residents. Several revisions to the Ordinance have been implemented. Chairman Bennett asked residents to limit their public comment to three minutes, to identify themselves and to remain at the podium while speaking for clear minute transcription.

PUBLIC COMMENT:

1. Mr. Robert H. Grunmeier feels there are many issues in the proposed Ordinance that are detrimental to small business owners within the community. Mr. Grunmeier's biggest concern is the three acre requirement. Recent court decisions are swinging back towards the rights of the property owners. Mr. Grunmeier feels that with the three acre requirement the Board will be leading themselves and the taxpayers down a rocky, legal road. Mr. Grunmeier noted recent court cases have been determined to be in favor of the landowner. The three acre requirement excludes middle income people, which comprises 75% of this Township, with no public water. Mr. Grunmeier felt it was unreasonable and discriminatory against property owners who purchased land many years ago and now plan to subdivide for retirement purposes. In today's society with both heads of the household working outside the home, Mr. Grunmeier believes three acres of ground requires a great deal of maintenance. In Mr. Grunmeier's opinion, the three acre requirement is not essential to Township government, and there is a strong possibility that it will lower the property values within the Rural Residential Zoning District for anyone having land of less than three acres with no public water. Mr. Grunmeier noted Section 508 - the Well Ordinance, is in place. This Ordinance protects the residents when purchasing ground in the RR District, because it requires that testing must take place for a well. Mr. Grunmeier asked why the requirement is being changed to three acres and asked what data was used to determine that three acres is plausible.

Chairman Bennett commented the proposal for a three acre requirement was made by the Planning Commission, and personally, he is opposed to it. As a Planning Commission member, Supervisor Fox stated he has provided reasons for the three acre requirement many times in the past and feels it is foolish to explain again. Mr. Grunmeier asked what the three acre requirement is based on. Supervisor Fox replied it is based on lack of water in this Township and the results of water studies which have been conducted. If Supervisor Fox is basing this requirement on the INTEX water study which was conducted in the 1980's, Mr. Grunmeier hopes the remaining Supervisors will seriously look at this because that water study was deficient.

2. Mr. Bill Godek attended a recent Bucks County Planning Commission meeting and was advised by Chairman Susan McKeon that he should ask the Supervisors why the section pertaining to environmental impact studies was removed from the proposed Ordinance. Supervisor Bennington believes Supervisor Fox answered this question at the last meeting. Mr. Godek replied that answer was not acceptable. Supervisor Fox cited correspondence from the Bucks County Planning Commission, dated April 5, 1995, concerning the Township's most recent submission of the proposed Zoning Ordinance, which states "Protection of Natural Resources - Section 504 - Environmental Performance Standards establishes minimum protective standards for various natural resources. We commend the Township officials for continuing to include these important standards in the Zoning Ordinance. As part of your review of this draft of the update, we referred to the Bucks County Natural Resource Plan, in particular there are three policies of the County plan for your consideration." Supervisor Fox believes this comment means the Bucks County Planning Commission feels the Township is being too strict and that they would like the Township to cut back on these environmental standards. Mr. Godek quoted correspondence from the Bucks County Planning Commission, page 3, Section 7 - Definitions, and page 4, which states "Section 108 of the current Zoning Ordinance contains guidelines for comprehensive impact statement that is required to be submitted with a petition for a Zoning change. We recommend that the draft be revised to include an impact statement for Zoning change petitions." Mr. Godek advised George Spotts told him that this is not the first time this has been presented to the Township, requesting that this particular section be put back in to the proposed Zoning Ordinance. Mr. Godek commented no one yet has told him who removed this section and why.

There is also a section on page 113 of the 1995 proposed Zoning Ordinance titled "New Development of Water Systems", and Mr. Godek wondered why there is no mention of quarries in this section, if there is such a water shortage in the Township.

3. Mr. John Bolger stated Mr. Godek just asked several questions, however he did not get answers to those questions. Chairman Bennett noted that Supervisor Fox has answered Mr. Godek's questions on several previous occasions. Mr. Bolger asked who removed the section dealing with environmental impact in the proposed Zoning Ordinance. Supervisor Fox has no idea. Mr. Bolger asked if it was removed deliberately, and if it was not, asked if there is any reason that it can not be re-inserted. Supervisor Fox explained that section is found on page 111 of the proposed Ordinance, as well as on page 124 concerning Quarry Districts, stating that the Environmental Impact Performance Standards are there. Supervisor Fox noted every type of development allowed in this Township is included in those Environmental Impact Performance Standards.

Mr. Bolger stated the Supervisors are elected officials and when residents ask them questions, they should receive answers according to the Sunshine Law.

Supervisor Bennington has seen the comments from the Bucks County Planning Commission and has heard Supervisor Fox state that the Environmental Impact Study is still in the proposed Zoning Ordinance, even though the Bucks County Planning Commission disagrees. Supervisor Bennington feels the proposed Zoning Ordinance should be tabled and the entire plan should be sent back to the Hilltown Township Planning Commission for review of comments from the Bucks County Planning Commission. Chairman Bennett is surprised, but pleased, to hear Supervisor Bennington's comments.

4. Mr. Ron Theis of Florence Circle attended a previous Zoning Ordinance Public Hearing and asked if there were any meetings held or studies done in conjunction with the school district in order to plan for more housing, etc.. Supervisor Bennington personally attended a school board meeting, offering that the Supervisors meet with them to discuss future development, however the school board did not appear interested.

Mr. Theis asked if there is any section in the proposed Zoning Ordinance concerning impact on local roadways. Chairman Bennett replied it is discussed, but in his opinion, with very few results. Chairman Bennett feels development impact on roads should be planned 15 or 20 years ahead of time. Supervisor Bennington commented developers are required to conduct an impact study on the roads, however that is minimal, at best.

SUPERVISOR COMMENTS:

Motion was made by Supervisor Bennington and seconded by Chairman Bennett to table the proposed Zoning Ordinance for further review of the Bucks County Planning Commission comments by the Hilltown

Township Planning Commission.

Chairman Bennett finds himself in complete agreement with Mr. Grunmeier on the issue of three acre zoning. Chairman Bennett feels three acre zoning is much too restrictive and has been very concerned about possible lawsuits in relation to this issue. Chairman Bennett has spoken to both the Township Solicitor and private legal counsel, the Township Engineer, and Mr. Bob Moore, Executive Director of the Bucks County Planning Commission, who all agree three acres is excessive subject to curative amendments. Two different lawyers told Chairman Bennett that a curative amendment could easily cost the Township \$50,000.00 in legal fees, which he would certainly like to avoid. Recently, Haycock Township had five acre zoning but has since reduced that to two acres; and Warrington Township currently has three acre zoning and is being challenged by a group of seven people. If the proposed three acre zoning only applied to perhaps 20% of the Township, Chairman Bennett does not believe he would object to it, however the Rural Residential area to which this requirement applies comprises between 70% and 75% of this Township. Chairman Bennett feels that is a great deal of land to restrict to three acre zoning. As Supervisor Fox stated earlier, Chairman Bennett believes the primary reason for the Planning Commission to recommend three acre zoning is due to water studies. However, Chairman Bennett feels such water studies have been very limited and are certainly not substantial enough to apply to 70% or 75% of this Township. There is no question that there are problems with quality and quantity of water in certain areas of the Township, but he does not believe it can be applied to 75% of the Township. Chairman Bennett is in favor of retaining the 50,000 sq. ft. requirement, Supervisor Fox is in favor of the three acre requirement, and Supervisor Bennington has attempted to make a compromise between the two in terms of cluster zoning, which would permit building on 30,000 sq. ft. and allowing for 32,000 sq. ft. of open space. Chairman Bennett felt this idea was a good attempt at a compromise, however that much extra land either requires a homeowners association or that the Township would have to maintain it. In the April 5, 1995 letter from the Bucks County Planning Commission, they have returned the last Zoning Ordinance proposal with nine comments, including objection to the three acre zoning.

Supervisor Fox stated the Hilltown Planning Commission had recommended that the Bucks County Planning Commission re-write the Zoning Ordinance over eight years ago, however the Supervisors at that time were not interested. Supervisor Fox noted the law states the Zoning Ordinance must be updated every five years. Supervisor Fox feels the entire situation has gotten out of hand and doubts the plan will ever be passed the way things are going. Supervisor Bennington commented if something is not right, he can not approve it in good conscience when representing the 14,000 residents of

this Township.

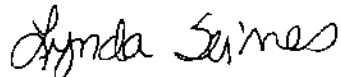
Supervisor Bennington repeated his motion to table the proposed Zoning Ordinance pending further review of the Bucks County Planning Commission comments by the Hilltown Township Planning Commission. Chairman Bennett seconded the motion. Supervisor Fox refused to vote on the issue. Motion passed.

Mr. Horrocks asked for clarification as to whether or not the Board wished to have a joint meeting with the Hilltown Township Planning Commission. Chairman Bennett felt the four page report by the Bucks County Planning Commission is very clear and does not believe a joint meeting is necessary at this time. The Supervisors are requesting the Hilltown Planning Commission's response to the Bucks County Planning Commission review.

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

Q. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the advertised Public Hearing for the revised Zoning Ordinance was adjourned at 9:30PM.

Respectfully submitted,



Lynda Seimes
Township Secretary