

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, March 27, 1995
7:30 PM

The regularly scheduled public meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr., at 7:32PM 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

A. APPROVAL OF MINUTES:

Action on the minutes of February 27, 1995 Meeting:

Supervisor Fox noted the following corrections:

- page 12, section four, the sentence should read "The Board agreed to hold the final A.W.A.C.S. hearing on **Wednesday**, March 29, 1995 at 7:00PM."

- page 16, under "Resident's Comments" concerning the Rumer Subdivision, the following clarification was added "The recommendation of the Board of Supervisors was that Mr. Rumer either hire an engineer to re-design the project; or that Mr. Rumer place a deed restriction on the plan, limiting the total three properties to 1,000 square feet."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the February 27, 1995 Board of Supervisors meeting, as corrected.

Action on the Minutes of the March 13, 1995 Worksession:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 13, 1995 Board of Supervisors Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated March 28, 1995, with General Fund payments in the amount of \$29,785.85; and State Highway Aid payments in the amount of \$6,413.99; for a grand total of all funds in the amount of \$36,199.84.

Chairman Bennett questioned the bill from Wesco in the amount of \$1,483.20 to purchase flares. Chief Egly explained the Township

purchased flares in bulk for the Silverdale Fire Company and the Hilltown Fire Department, as well as for the Township itself. The fire companies will reimburse the cost of the flares purchased.

Chairman Bennett asked if the bill from Niessen, Dunlap and Pritchard is the final invoice. Mr. Horrocks does not recall, however he believes it is close to the final invoice. Mr. Horrocks noted the single audit cost for the Federal monies received by the Township for snowstorms was less than was quoted by Niessen, Dunlap and Pritchard.

Chairman Bennett questioned the bill from Mr. Hetherington for legal services for a Zoning Hearing in the amount of \$1,058.79. Chairman Bennett asked if that bill was for one hearing or for several hearings. Mr. Horrocks believes it was for the Adams hearing only, however he will research the matter.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated March 28, 1995, subject to audit and checking on the bill for the Zoning Hearing, as specified.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager - Mr. Horrocks presented the Treasurer's Report with the following balances as of March 27, 1995:

General Fund Checking	\$ 67,947.02
Payroll Checking	\$ 295.49
Fire Fund Checking	\$ 49,557.97
Debt Service Checking	\$ 52,631.80
State Highway Aid Checking	\$ 19,696.42
Escrow Fund Checking	\$ 136,813.17

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated March 27, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Peter Loux - Blooming Glen Mennonite Church Land Development - Mr. Peter Loux of the Grounds Committee, and Mr. Daryl Derstine of the Building Committee for Blooming Glen Mennonite Church were in attendance to request that the Board consider allowing them to downsize the caliper of trees proposed for their land development located on Blooming Glen Road. Instead of the required 2 1/2" to 3" caliper trees, Mr. Loux requested the size of the tree be 1 3/4" to 2" caliper. The reason for this request is because the church will be utilizing volunteer help, and

the smaller caliper trees would be easier to handle. It is Mr. Loux's personal opinion that smaller trees will do better.

Mr. Derstine pointed out an area behind the existing barn and dwelling. Mr. Loux explained they would like to establish a grove of trees in that area, along with possibly a pavilion facility. Therefore, the monies saved by planting a slightly smaller caliper tree would be used for purchasing more trees to plant in the area pointed out by Mr. Derstine. Mr. Loux noted there are existing pin oaks along the rear edge of the property which are quite substantial in height. Further, Mr. Loux commented, there are sugar maples located in the middle of a field directly behind the church which the applicant would like to relocate to the rear property edge. The field where the sugar maples currently stand is the only level area where a ballfield could possibly be constructed. The prospect of a ballfield had to be eliminated when the applicant proposed their parking lot expansion. The long range planning committee of the church has not met this year, however Mr. Loux would be happy to bring a sketch before the Planning Commission in the near future to show where a possible grove would be located and where more trees would be planted and the number of trees proposed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow Blooming Glen Mennonite Church to lower the caliper of the required trees to 1 3/4" to 2" and to allow relocation of some trees to the rear of the property where there are existing pin oak trees.

2. Mr. John Lynch - Bricks Villa - Mr. Lynch was before the Board last month seeking a recommendation for final plan revision to the Bricks Villa Subdivision. At the time, Mr. Lynch was questioning the location and size of waterlines from the Authority. At that meeting it was agreed that the recommendation for plan approval would be tabled until confirmation from the Hilltown Township Water and Sewer Authority. Mr. Lynch met with the Authority at their last meeting and the plans before the Board this evening now reflect the direction of the Authority. Mr. Wynn pointed out the revisions that were made on the plan.

It is Mr. Lynch's intent to execute all the agreements within the next month and he hopes to break ground on the site in early May. Chairman Bennett asked the anticipated price range of these homes. Mr. Lynch believes the homes will be offered at approximately \$230,000.00 to \$3000,000.00.

Because of the revisions made to this plan, Mr. Wynn noted it would be appropriate for the Board to approve it as a revised final plan. At this point, the outstanding items remaining include final verification of Water and Sewer Authority approval by way of an

escrow agreement; dedication of all easements and rights-of-way as shown on the plan to either the Authority or the Township, whichever is appropriate; PennDot approval prior to any construction activity in the Rt. 113 right-of-way; and execution of a Financial Security Agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the revised final plan for Bricks Villa, with the four conditions as specified above.

3. Mrs. Helen Grim - Rt. 113/Callowhill Road Proposed Salt Storage Shed - Mrs. Grim was in attendance to follow up on last month's presentation by Mr. Lohan concerning the property located at Rt. 113 and Callowhill Road. Mrs. Grim obtained a map of Township owned properties and has inspected those parcels in order to find an alternative to the proposed site. Having looked at all the Township owned properties, Mrs. Grim noted the site at Rt. 113 and Callowhill Road is certainly the "jewel in the crown." It is the only property that could be used for any real purpose, all others have been utilized for buildings, such as the site at Diamond Str. and Rt. 113; or contains a powerline or wetland area running through it; or are simply strips of land which have been donated to the Township to surround developments, which is considered open space and may not be touched. Mrs. Grim feels it would be a huge mistake to construct ugly buildings on that property at Rt. 113 and Callowhill Road, because the land would be ruined forever. Mrs. Grim understands that not only will salt storage sheds be erected, but also that Deep Run Sports Association will be using the remainder of the property for playing fields. Mrs. Grim feels that would be a real disservice to the rest of the citizens of this Township. If Deep Run is allowed to operate from that site, Mrs. Grim noted as much as half the property would have to be used for parking. Also, Deep Run Sports Association serves not only the residents of Hilltown Township, but residents of surrounding communities as well.

At present, there is a sign on the property at Rt. 113 and Callowhill Road which states that the site is to be used for the benefit of Hilltown Township citizens. Mrs. Grim feels it would be far better for the Township to keep that property for future development as a real park to benefit all Township residents.

Mrs. Grim pleaded with the Board to retain the property at Rt. 113 and Callowhill Road, stating that once the property is "raped" with construction of the proposed buildings, it will be gone. After careful review of the remaining properties owned by the Township, Mrs. Grim determined the only alternative for placing the salt storage shed is right here at the site of the Municipal Building. There is a great deal of land surrounding this building that could be used for storage sheds and Mrs. Grim urged the Board to consider

this alternative first and foremost. Mrs. Grim feels any equipment that would be stored on the premises would certainly be much safer from theft and vandalism since the police department is located here.

If the Supervisors decide the only place to construct the storage buildings is at Rt. 113 and Callowhill Road, Mrs. Grim requested a one month time period in order to find another site that would allow construction of the proposed buildings. With some effort, Mrs. Grim believes private land could be made available. In summary, Mrs. Grim begged the Board not to "rape" the property at Rt. 113 and Callowhill Road, asking them to keep it for future years.

Chairman Bennett commented no matter where the salt storage sheds are proposed, there will always be opposition to the site. At present, the Supervisors are wrestling with the idea of placing a communications tower here at the Township building. Chairman Bennett reminded the Board that they do not have to make a decision on the Rt. 113 and Callowhill Road property this evening, and also recommended that Mrs. Grim be allowed a 30 day grace period to see if she can find an alternate location for the proposed storage buildings.

While there are a number of properties owned by the Township, Mr. Horrocks commented there are relatively few that these buildings could be constructed on. There are two very decent properties, however they happen to fall very heavily in a floodplain area.

Supervisor Fox advised there is a limited amount of industrial land available and the Township does not own any of it. Most of the land available is open space which can not, by law, be used for any buildings, only recreational use. With regard to the land on which the Township building is situated, Supervisor Fox noted there is approximately 175 ft. of Township owned land behind this building. The rest is open space that was never given to the Township. The three proposed buildings would not fit on this site as things stand now. Back in 1988, the Township was to get most of the land behind the building which was where the maintenance building was originally proposed. Supervisor Fox stated the only available property would be the site at Rt. 113 and Callowhill Road. The Township is allowing, via a lease, Deep Run Sports Association the use of that site for practice fields. The Park and Recreation Board has no use for that site at this time, and since 75% of the members of Deep Run are from Hilltown Township, the Supervisors felt it would be a good suggestion instead of letting the land lie fallow. Mrs. Grim asked if that was a confirmed deal. Supervisor Fox replied he feels it is a done deal. In that case, Mrs. Grim felt it was very circumspect. Chairman Bennett commented he does not believe it is a confirmed agreement. Mr. Horrocks noted no

agreements have been signed with Deep Run. There have been discussions between Deep Run and the Park and Recreation Board, however nothing has been finalized.

Supervisor Bennington has no problem with allowing Mrs. Grim thirty days to find an alternate site, however he personally does not see any alternative to the site at Rt. 113 and Callowhill Road. Mrs. Grim stated Mr. Horrocks had indicated to her that there was in fact enough room at the site of the present Township building to construct the storage buildings. Supervisor Bennington noted if the A.W.A.C.S. tower is placed on this site, and in turn the helicopter pad is moved to another location on this site, there will not be enough land available.

Chairman Bennett assured Mrs. Grim the Board would take another look at available property and will keep her informed of their progress.

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

1. Mr. Horrocks asked the Supervisors to schedule spring road inspection. The Board agreed to schedule road inspection on Saturday, April 29, 1995 at 7:30AM.

2. Mr. Horrocks presented seven escrow releases, three of which are cash held, for the Board's approval:

Country Roads Phase I	Voucher #36	\$ 1,027.25
Country Roads Phase II	Voucher #01	\$ 18,000.00
Deerfield	Voucher #6A	\$ 150.10
Fretz	Voucher #06	\$ 125.15
Quiet Acres Mobile Home Park	Voucher #01	\$ 440.75
Tel-Vil Corporation	Voucher #19	\$ 379.95
WaWa Inc. Land Development	Voucher #03	\$ 315.95

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

3. Mr. Horrocks asked for authorization to adopt Resolution #95-20, which gives the police department authority to bid on free federal government surplus property.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-20, giving the Hilltown Township Police Department authorization to bid on free federal government surplus property.**

4. Mr. Horrocks and two of the three Supervisors met with Patrick McManus, the Environmental Engineer of E.P.A. concerning

the TCE problem in the Dublin area. Mr. McManus presented updated testing information which shows there are approximately 8 to 12 wells within Hilltown Township which have been tested. Nine of those wells have shown a trace of TCE, though it is far below the federal maximum contaminant level. Mr. McManus advised a public meeting will be held here at the Township building within a few weeks dealing with EPA's findings and what they intend to offer residents in the way of public water. In all probability, Mr. McManus also indicated nothing will be happening in the 1995 construction season.

5. A request has been received from the Bucks County Intermediate Unit, requesting the Board waive rental fees for use of the Scout Cabin in Blooming Glen on Thursday, May 18, 1995 and Friday, May 19, 1995. Supervisor Fox wished to insure that a security deposit would be submitted, and Mr. Horrocks assured him that it would.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive Scout Cabin rental fees for the Bucks County Intermediate Unit.

6. After several months, the Township finally received a rather complex letter from the Pennsylvania Municipal Retirement System dealing with the State Auditor's audit which was performed late in 1994. This letter deals with the specific findings the auditor has found Hilltown Township in error of, and addresses how those findings must be dealt with. When Mr. Horrocks reported on the audit from the State, some of the findings were not favorable to Hilltown and there will be some funds which must be paid. This correspondence addresses all of the audit findings, with the greatest percentage of the findings prior to August of 1991, and some going back as far as 1987.

G. CORRESPONDENCE - Mr. Bruce G. Horrocks -

1. A request has been received from Waste Management concerning a property they own on Progress Drive. While reviewing the new Zoning Ordinance, Waste Management is asking the Board to consider allowing a G-9 Truck Business to be considered for Heavy Industrial.

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

1. Solicitor Grabowski advised the O'Neill zoning appeal was a zoning decision appealed by the applicant of a decision by the Hilltown Township Zoning Hearing Board to Bucks County Court. In the past three weeks, a decision by Judge Sokolov was received dismissing the O'Neill appeal on March 9, 1995. There is no action

required by the Township at this time, other than to wait to see if the applicant intends to take an appeal to the Pennsylvania Commonwealth Court.

2. The George Baker zoning appeal was filed to Bucks County Court by the applicant many years ago. There was a decision by Judge Clark approximately three years ago, which held the subdivision project in abeyance until a determination was made as to whether or not there were sewer facilities available for the property. During that lengthy period, the Department of Environmental Resources finally came to the conclusion, based on an Environmental Hearing Board decision, that they did not have the right to review sewer planning modules for projects which did not have subdivision or land development approval. There is an existing Environmental Hearing Board case on that matter. Judge Clark issued a decision, without an opinion, stating that Hilltown Township should approve the subdivision conditioned upon sewer facilities and to allow the process to go through the Pennsylvania Department of Environmental Resources. Solicitor Grabowski explained the issue that is subject to interpretation is whether or not a municipality needs to approve a project, in terms of subdivision or land development approval, before the sewer facility issue is resolved. Solicitor Grabowski noted Judge Clark is basically putting the decision in the Supervisor's lap as to whether or not they wish to go to the Pennsylvania Commonwealth Court to make a decision as to whether the Township should give subdivision approval without sewer facility approval or if sewage facility approval should come first. The time frame is such that an appeal needs to be filed by the deadline of tomorrow, Tuesday, March 28, 1995. If the Board wishes to do that, Solicitor Grabowski's office can prepare the proper documents.

Supervisor Bennington stated this particular case does not concern him as much as setting a precedent for future situations, and it is his personal opinion that the Township does not appeal this particular decision. Supervisor Fox was in agreement, and stated the Municipal Planning Code mandates sewer and water in a land development or subdivision. The Township's Comprehensive Plan, Subdivision/Land Development Ordinance, and Wastewater Facility Plan all require that sewage facilities be determined before plan approval is given.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously that the Township not appeal the George Baker Subdivision decision, thereby not setting a precedent.

3. A District Justice hearing was held several weeks ago against Joseph Pileggi. Mr. Pileggi had failed to file for certain permits regarding use of his property located at Rt. 113 and Rt. 313. The Zoning Officer filed a complaint with the District

Justice and the hearing was held approximately 2 weeks ago. The District Justice found in favor of the Township in the amount of \$8,081.00 in fines. There may be an appeal by Mr. Pileggi in this matter.

4. The next public hearing concerning the A.W.A.C.S. tower will be held on Wednesday, March 29, 1995 at 7:00PM here at the Township building.

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

1. Olesky Land Development (Preliminary) - Mr. Chris Schubert, attorney for the applicant, and Mr. Windsor Tracey, engineer for the applicant, were in attendance to present the plan, along with the applicant's son, Mr. Joe Olesky, Jr.. The site is located at the intersection of County Line Road and Spur Road.

The applicant appeared before the Planning Commission last week, who voted for approval conditioned upon satisfaction of a number of outstanding items as outlined in the February 28, 1995 engineering review from Mr. Wynn's office. In addition, there were a number of waivers of Subdivision Ordinance requirements which were discussed. The Planning Commission recommended those waivers be granted.

With regard to waivers, Mr. Schubert advised the applicant is seeking a waiver of stormwater management requirements. By way of increase in impervious surface, there is roughly 3,500 sq. ft. proposed for parking for display purposes and customer parking, which is a rather insignificant amount. Concerning the current stormwater flows on the property, Mr. Schubert noted the property slopes downward towards Bethlehem Pike. The applicant is proposing to keep that arrangement and is requesting a waiver in lieu of actually creating a point source for the stormwater flows. Mr. Tracey believes that is not as desirable as having the current stormwater flows maintained on the property. The Planning Commission recommended approval of this waiver request.

The applicant is requesting that the Board consider the existing buffer be deemed adequate. Along Spur Road, which runs to the right of the property, there are a significant number of mature trees, both evergreen and deciduous. On the opposite side of the property and the rear of the property, there is an existing hedgerow. Further, what is shown in green on the plan are areas that will be maintained in grass.

Another waiver request concerns street improvements. The Planning Commission recommended waiver of street improvements along the frontage of the site, but has not recommended approval of the waiver requested for right-of-way dedication. In light of Mr.

Fox's comments at the Planning Commission, Mr. Schubert understands the Township has some primary concerns with establishing utility easements for its purposes which very well could be placed on the property. Mr. Schubert advised there is no current sewage line flowing along Bethlehem Pike. The sewer line is actually located in Hatfield Township, across the street from the site. One proposal is to eventually bring the line across Bethlehem Pike to an existing manhole and then ultimately tying in the other properties further to the south along Bethlehem Pike. Mr. Schubert believes the logical placement for a sewer line would be along the shoulder area of Bethlehem Pike, not necessarily building up into the area of steeper slopes towards the front of the property. Mr. Schubert understands there was a concern about possibly taking the sewer line across the corner of this property and tying into the line that could conceivably run along Spur Road. If the Township's concern is truly with regard to a utility easement, Mr. Schubert will recommend that Mr. Olesky consider granting the easements necessary. Mr. Schubert believes the applicant's concern is that at some point, PennDot might wish to widen the road, which would actually move the road to the very front of the existing dwelling and possibly even around the dwelling. If it is a utility line easement, Mr. Schubert believes it would make sense to allow that because a water or sewer line would be buried and would not impact Mr. Olesky's use of the property. Mr. Schubert provided Mr. Fox with a copy of a Commonwealth Court decision concerning a similar matter at the Planning Commission meeting. Mr. Schubert is not certain that the current Hilltown Township Subdivision/Land Development requirement is in conformance with that particular 1993 Commonwealth Court decision. Certainly the applicant can grant an easement out to the ultimate right-of-way, however under that decision, there is nothing requiring them to do so. If the concern is for the utility lines running through the property for the benefit of the Township, Mr. Schubert will make the recommendation for Mr. Olesky to consider and grant those easements. Supervisor Fox read that 1993 Commonwealth Court decision and agreed it states that utility easements, restricted covenant easements for the purpose which might affect development, can be taken without just compensation. However to take land, such as asking for the right-of-way, Supervisor Fox stated the Commonwealth Court ruled against it unless there was something of value exchanged. Supervisor Fox noted the applicant has asked for a waiver of street improvements and by law, the Supervisors could refuse to grant those waivers if they wished.

Since the time frame for this land development does not expire until May 20, 1995, Supervisor Bennington suggested Mr. Schubert ask the applicant to grant the utility easements as requested by the Planning Commission.

Mr. Wynn believes the Board will be tabling this plan and feels it

is a good idea since what is being requested by the applicant is something that is not normal. Mr. Wynn pointed out that Spur Road is a Township road, and the Township may, at some point, wish to do improvements along that roadway, which they may not be able to do if the applicant only grants a utility easement. Further, if the plan is tabled, Mr. Wynn noted many of the conditions recommended by the Planning Commission perhaps could be addressed and resolved before coming back before the Board of Supervisors.

2. Hilltown Hunt Subdivision - Curbing - Mr. Tom Maloney, builder for Hilltown Hunt Subdivision, is in the process of purchasing the property within the next 30 days. Mr. Maloney is requesting an exchange of the regularly required concrete curb to Belgian Block curb. Mr. Maloney feels using Belgian Block curb would help to market the property better because it is more appealing to the eye. Although it is more expensive to install, Mr. Maloney noted it easier to maintain and replace should it suffer damage, and would be more cost effective in the long run.

Mr. Wynn advised this proposal was presented to the Planning Commission at their last meeting. Belgian Block curb is being used in several municipalities, such as Buckingham and Bridgeton Township has actually written it into their Ordinance as a first choice curbing. It is more expensive to install, however the savings from construction is that if one or two blocks are damaged, only that portion must be replaced, rather than 8 feet of curbing.

The Planning Commission unanimously recommended approval to permit the use of Belgian Block curbing in the Hilltown Hunt Subdivision, which is located across the street from the Township building. This does not include the West Creamery Road curbing, only the internal curbing within the subdivision.

Supervisor Fox asked who will be responsible if the curbing is damaged by a plow once the Township accepts the roadways. After acceptance, Mr. Wynn advised the Township will be responsible, just as if it were concrete curbing that needed to be replaced. Supervisor Bennington asked if it is easier to damage Belgian Block curb with the snow plow blades as opposed to concrete curbing. Mr. Wynn has no knowledge of how easily it can be damaged. Mr. Horrocks commented the only truck that will be plowing this development contains a rubber blade bumper, not a steel blade. Mr. Maloney stated this type of curbing is very durable and will last longer than concrete curbing. Mr. Wynn advised Belgian Block curbing is imbedded in 4,000 lb. concrete. Mr. Maloney noted he has used this type of curbing in various townships in Bucks County for the past ten years. Supervisor Bennington asked the disadvantages to using Belgian Block curb. Mr. Maloney replied putting the curb impressions in the right spot initially is the most difficult part of the process. If they are not placed

properly, the stone must actually be saw cut and the footing must be removed, then re-poured, since it is an actual footing. Mr. Wynn directed the Board's attention to the diagram presented by Mr. Maloney which shows that the footing he spoke of is a 14 inch wide, 4,000 lb. per square inch footing, that the stone is imbedded in. That compares to a concrete curb which is 8 inches wide and has no footing.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the recommendation of the Planning Commission to allow the Hilltown Hunt Subdivision to use Belgian Block curbing on the internal streets, rather than concrete curbing.

3. Calvary Church Subdivision (Preliminary) - Mr. Wynn advised the Township is in receipt of two applications from Calvary Church, one is this subdivision, and one is a land development plan. This subdivision plan proposes transferring a number of parcels and consolidating those parcels with existing lands owned by Calvary Church along Rt. 113. The result after consolidation occurs is that the net area, not counting the right-of-way, will increase their site to 23.5 acres.

Mr. Wynn explained there were a number of conditions included in the recommendation for preliminary plan approval by the Planning Commission. One of those conditions is the dedication of the ultimate right-of-way of Rt. 113 along the frontage of the church and Brubaker's land. There is a note on the plan regarding the 40 ft. wide access to Bethlehem Pike. The Planning Commission wished to insure approval of this plan does not imply that the Township is going to approve the driveway access to that point. The reason is that there may not be adequate sight distance, turning radius, or width for an access to Bethlehem Pike. The applicant has indicated they are not in a position to design and propose an access at this time, and have added a note to the plan which states "The granted approval of this Subdivision does not imply approval for access to Bethlehem Pike at this time." The Planning Commission was concerned that the note was not clear enough and requested the note be revised in any manner the Township Solicitor feels necessary to indicate that the Township is not approving the access to Bethlehem Pike.

Other conditions include that concrete monuments and iron pins be installed at various locations, Planning Module approval unless waived by DER, and three minor drafting items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend conditional preliminary approval to the Calvary Church Subdivision pending completion of all outstanding items as noted above, particularly noting that

granting of this approval does not imply approval for access to Bethlehem Pike at this time, to be revised and specifically worded by the Township Solicitor.

4. Marinucci Subdivision (Preliminary) - Mr. Wynn advised this subdivision was recommended for denial by the Planning Commission due to no activity by the applicant, unless an extension is received no later than April 17, 1995. The plan was submitted last summer, and Mr. Wynn recommended the denial be based on the prior engineering review and the Bucks County Planning Commission review, which noted various deficiencies.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Marinucci Subdivision Plan unless a 90 day extension is received by April 17, 1995.

5. Bilt-Rite Land Development (Preliminary) - This plan is in the same situation as the previously discussed subdivision. The Planning Commission recommended denial for non-compliance with Subdivision and Land Development requirements as noted in the engineering review letters from Mr. Wynn and the Bucks County Planning Commission, unless an extension is received by April 1, 1995.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Bilt-Rite Land Development, unless a 90 day extension is received by April 1, 1995.

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

1. BFI - Correspondence has been received from BFI regarding the Texas National Bank Letter of Credit. Mr. Wynn explained the maintenance period for this plan was guaranteed by way of Letter of Credit, and the maintenance period has been completed. The remaining item to be accomplished was the re-stripping of the roadway which has since been completed. Texas National Bank has requested that the Township send them a letter stating they are authorized to release the Letter of Credit, as opposed to allowing it to expire. Mr. Wynn requested this Board authorize the letter be sent.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize that a letter be sent to Texas National Bank requesting that the Letter of Credit for BFI be released when \$342.75 is paid to C. Robert Wynn Associates.

2. Hager Subdivision - Mr. Wynn advised this subdivision was completed last spring, and then Mr. Hager passed away. The estate attorney got involved and there was some confusion about the

landscaping that needed to be completed. Mr. Wynn directed Linke Nursery to plant the remaining trees. The work has been accomplished and Mr. Wynn recommended the Linke Nursery bill be authorized for payment in the amount of \$3,085.00 for the seven maple trees, sifted topsoil, seed, mulch and the hemlocks which were planted. The money was authorized by the estate attorney before the work was completed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize releasing the amount of \$3,085.00 to Linke Nursery from the Hager Subdivision escrow.

3. Wietecha Subdivision - Mr. Wynn presented correspondence from David and Patricia Konstanzer requesting that the buffer requirement for the Wietecha Subdivision be waived since the property in question will be used for farming. The twelve trees shown on the subdivision plan will be planted on this lot between the house and the street. Mr. Wynn pointed out where the required trees were to be planted. There are some existing trees and shrubs scattered in front of that area.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to revise the Wietecha Subdivision plan to allow for the planting of the required trees in other locations in order to continue agricultural farming of the site.

K. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger stated her property is located on Rt. 152, across the street from the proposed Hilltown Hunt Subdivision. Mrs. Bolger noted there are small red flags along the frontage of the properties on Rt. 152 in various places and asked what they are. Mr. Wynn did not know what the flags were placed there for or if it even has anything to do with the Hilltown Hunt Subdivision. The surveyors for Hilltown Hunt would normally be putting in wooden stakes. Flags are normally used for locating underground utilities or used by the Conservation District for agricultural operations. Mr. Horrocks will research this matter.

Mrs. Bolger asked if water and sewer lines will be run down Rt. 152 or run down into the Hilltown Hunt development to the Township building. Chairman Bennett replied the lines will be run into the development as was originally proposed.

Mrs. Bolger read the minutes of the previous meeting and noticed that Deep Run and Faith Christian Academy were granted time to use the Civic Field park. Mrs. Bolger has no criticism of the park, however she sees it as more of a "sports field" than a park. It appears to Mrs. Bolger that there is a great deal of time being granted for various athletic organizations to use the park. Mrs.

Bolger wondered if Hilltown residents will be considered for use of this park. Mr. Horrocks replied the field is available for public use, as long as they play baseball, not softball. Residents will be able to use the field after any of the various organizations who have scheduled field use time through the permitting process. Mrs. Bolger finds issue with that, stating that many of the athletic organizations have members who are not Hilltown residents. Mrs. Bolger feels the permit process Mr. Horrocks spoke of has not been publicly offered to the residents of this community. Mrs. Bolger believes the residents of Hilltown Township should have first option for field use. Mr. Horrocks commented the permit process involves fees, yet no fees are charged of residents. Further, Mr. Horrocks noted, the Park and Recreation Board is maintaining that there is 25%, at the very least, of "open time."

2. Mr. Tom Tincknell of 314 Northview Road advised meetings were held in the fall concerning the sewer concerns in his neighborhood. At that time, a letter was going to be sent to the residents regarding low interest loans and easements. To date, Mr. Tincknell has received no correspondence concerning this matter. Mr. Horrocks replied information will be mailed this week with regard to the easements. The Township is still looking into the possibility of low interest loans. An informational meeting will be held here at the Township building in the very near future for discussion pertaining to this matter.

3. With regard to the proposed Zoning Ordinance, Mr. Bill Godek asked the Board why the required environmental impact study no longer has to be conducted prior to someone making a zoning change request. Mr. Godek cited the Hilltown Township Zoning Ordinance, dated June 11, 1977, Section 1008, dealing with impact statements, which requires that an environmental study be done before changing the zoning. Further, Mr. Godek cited Section 506, of that same document which lists environmental performance standards. This same language is also found in the January 24, 1983 Hilltown Township Zoning Ordinance in Section 1008, titled Impact Statement, as well as Section 505, titled Environmental Performance Standards. Mr. Godek noted the proposed Zoning Ordinance does not address the environmental impact study in Section 1002, dealing with a private petition for amendment. Mr. Godek is very upset that this particular study is no longer required in the proposed Zoning Ordinance and wondered why this requirement has been omitted. Supervisor Fox commented he has answered this same question for Mr. Godek many times in the past. Mr. Godek came to a recent Planning Commission worksession meeting where this question was answered again. Supervisor Fox does not have his copy of the proposed Zoning Ordinance with him this evening, however he believes the issue is addressed on page 111. Supervisor Fox explained everything that has to be done, a house, a business, a quarry, must go through performance standards. Also,

under "Quarries", the requirement is repeated again. Supervisor Fox believes it is addressed on page 124. Supervisor Fox stated he has told Mr. Godek this many times, yet he refuses to listen. Mr. Godek commented Supervisor Fox is keenly aware that the matter is addressed in a different section of the proposed Zoning Ordinance, and feels the Board of Supervisors should also be aware that this requirement is no longer found in the section where it was once located in prior Zoning Ordinances. Mr. Godek believes the requirement was in those particular sections of past Zoning Ordinances for a very specific reason.

Mr. Godek referred to page 113, Section 508, titled "New Development - Water Systems" in the proposed Zoning Ordinance, noting there are many requirements for developers such as the establishment of escrows in the event neighboring water systems fail. However, Mr. Godek does not see any specifications for a quarry, which uses approximately 10,000 gallons of water per day. Mr. Godek asked why the establishment of an escrow for neighboring property wells is not a requirement for a quarry expansion or any other entity that would be removing water in the same way new developments are considered. After eight years of study, Mr. Godek feels this would be a rather important factor to include.

Supervisor Bennington stated Mr. Godek can say what he wants about Supervisor Fox, but the one thing he can not say about him is that he does not care about this Township. Supervisor Bennington defers to the expertise of Supervisor Fox in this instance. If Supervisor Fox and the Planning Commission say this requirement is addressed in the new Zoning Ordinance, Supervisor Bennington defers to them. Mr. Godek feels Supervisor Fox's statements are a mechanism for avoiding something that is coming up with the quarry expansion that would necessitate more than a traffic impact study. Mr. Godek feels the residents of this Township are being misled and wants the name of the person or persons who removed this particular section from the Zoning Ordinance. Chairman Bennett replied the Board will take it under advisement. Mr. Godek was not satisfied with that answer and became very agitated. Chairman Bennett noted that Mr. Godek has once again violated the five minute speaking limit, and commented that if this type of behavior continues any further, he will have Mr. Godek removed from this and future meetings.

4. Mr. David Enslow apologized for the inconvenience of a phone call he made to the Board members when he recently called their homes early on a Saturday morning.

L. SUPERVISOR'S COMMENTS:

1. Mr. Horrocks advised the Easter Egg Hunt will be held on Saturday, April 8, 1995 at the Civic Field Park beginning at 10:00AM.

2. Chairman Bennett announced the Board met in Executive Session with the Township Manager and the Township Solicitor prior to this meeting to discuss real estate matters.

3. Supervisor Bennington commented he personally did not remove the section of the proposed Zoning Ordinance that Mr. Godek mentioned earlier. If the Hilltown Planning Commission and the Bucks County Planning Commission say that statement is still in the Ordinance, it is good enough for Supervisor Bennington.

4. When there is a State bid for vehicles or telephone systems, etc., Supervisor Bennington asked Solicitor Grabowski if the proposal must be bid out to other vendors or if the State bid can be accepted. Solicitor Grabowski replied there is no need to bid anyone else if the State has effectively done the bidding and the Township can "piggyback" on that bidding process.

5. Supervisor Bennington advised his following statements are not directed towards any particular Supervisor and they are not given in a mean spirited manner. Supervisor Bennington stated there are three Supervisors, with each one of the Supervisors having one vote and being equal in stature with the remaining two. When a Supervisor testifies at a District Justice Court or a Common Pleas Court, it is assumed that he represents the Township. In Supervisor Bennington's opinion, unless a Supervisor who testifies has the express authorization of a second or third Supervisor, then he is not speaking for the other two Supervisors or the Township as a whole. Supervisor Bennington will not be held personally responsible, nor shall the Township residents be held responsible, for the comments made by one Supervisor at a court hearing.

Supervisor Bennington made a motion to direct all three Supervisors that if they intend to make statements at a court hearing in the future, unless they have authorization from a second Supervisor, the Solicitor representing the Township should direct the Court and the judge that the Supervisor is speaking for himself and himself only, and that any liability is on that particular Supervisor. Chairman Bennett seconded the motion.

Supervisor Fox knows the case Supervisor Bennington is referring to and commented he attended that hearing as a private citizen who is a long-term member of the Planning Commission. The testimony Supervisor Fox gave was as a private citizen who had the information and records necessary to prove the case. Supervisor Fox believes that as long as he tells the truth and it is not slanderous, it is permissible. Chairman Bennett commented he and Supervisor Bennington had no prior knowledge that Supervisor Fox would be attending that hearing. From the information he received, Chairman Bennett understood that Supervisor Fox was speaking for the Board of Supervisors collectively. Supervisor Fox advised that

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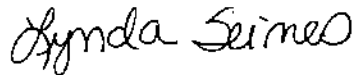
statement is incorrect.

Supervisor Fox voted no. Motion passed.

M. PRESS CONFERENCE - A conference was held to answer questions of those reporters present.

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the March 27, 1995 Board of Supervisors meeting was adjourned at 10:06PM.

Respectfully submitted,



Lynda Seimes
Township Secretary