

8:00PM - PUBLIC HEARING - DISCHARGE OF FIREARMS ORDINANCE

HILLTOWN TOWNSHIP
REGULARLY SCHEDULED PUBLIC MEETING
Monday, February 27, 1995
7:30 p.m.

The regularly scheduled public meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

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

A. APPROVAL OF MINUTES:

Action on the minutes of the November 28, 1994 Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 28, 1994 Board of Supervisors Meeting, as written.

Action on the minutes of the January 9, 1995 Joint Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 9, 1995 Joint Meeting of the Board of Supervisors and the Planning Commission, as written.

Action on the minutes of the January 23, 1995 Meeting:

Supervisor Bennington noted the following corrections:

- on page four, third paragraph, the word "**phone**" should be deleted, and the word "**copier**" should be inserted in its place.

- on page five, second paragraph, second sentence, the words "**General Fund**" should be deleted.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 23, 1995 Board of Supervisors Meeting, as corrected.

Action on the minutes of the February 13, 1995 Worksession Meeting:

Motion was made by Supervisor Fox, and seconded by Supervisor Bennington to approve the minutes of the February 13, 1995 Board of Supervisors Worksession Meeting, as written. Chairman Bennett abstained from the vote because he was not present at that meeting.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated February 28, 1995, with General Fund payments in the amount of \$11,040.71, and State Highway Aid payments in the amount of \$5,265.77, for a grand total of all funds in the amount of \$16,306.48.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated February 28, 1995, subject to audit.

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

General Fund Checking Account	\$ 18,708.69
Payroll Checking Account	\$ 146.74
Fire Fund Checking Account	\$ 44,977.60
Debt Service Investment Checking Account	\$ 38,835.66
State Highway Aid Checking Account	\$ 16,289.98
Escrow Fund Checking Account	\$ 137,222.55

Mr. Horrocks noted this is the first time in the four years he has been employed by the Township that we have made it through January and February without using proceeds from the Tax Anticipation Note.

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

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Gerard Lohan - Rt. 113/Callowhill Road Salt Storage Shed - Mr. Gerry Lohan of 518 N. Rt. 113 was in attendance to address the seasonal storage facility that has been proposed at the intersection of Rt. 113 and Callowhill Road. A number of residents located immediately adjacent to the site are concerned about the proposal and have reviewed other Township owned properties. Mr. Lohan and his neighbors understand and share the concerns of the environmental impact of potential run-off into the adjacent stream at the present maintenance facility located at Rt. 113 and Diamond

Street. Many of the residents in this immediate area obtain their water from well water so there is a legitimate concern for potential run-off. The residents also have a concern about the aesthetics of the proposed facility which will be located in a residential area with a great deal of farm land and homes. Placement of the facility, while it would not necessarily detract from the environment, would be important. The intersection of Rt. 113 and Callowhill Road is a very visible area of the Township. Mr. Lohan and his neighbors are also concerned about the upkeep and maintenance of the proposed facility, as well as the potential of vandalism that may occur at a remote facility that would be fairly distant from any of the other centrally located Township buildings.

Upon review of other Township owned properties, Mr. Lohan and his neighbors were conscious of the surrounding environment, looking for streams running through the area, and what impact the proposal might have on the home sites and traffic patterns in the area. They also studied properties located near existing developments, realizing that would just put the problem in someone else's back yard. One of the sites Mr. Lohan feels is a very real possibility is the property adjacent to the Township building here on West Creamery Road. There is a good deal of open space surrounding the Township building that could be considered for the proposed salt storage shed. Some advantages to this option include centralization of Township operations. It would also lend itself to the control of any vandalism on the proposed facility because the police department is located at this site, and it is also adjacent to a major, heavily traveled roadway.

A second site for consideration is located on Keystone Drive, near the intersection of Schoolhouse Road. The property is currently bisected by powerlines, and therefore, from a Township prospective, it would not be a saleable piece of property and would have no monetary value for the Township. This site is a 11.9 acre lot with approximately 400 ft. of frontage on Keystone Drive. There is close access to Rt. 309 for deliveries, and is also currently adjacent to a number of industrial properties.

The final issue Mr. Lohan wished to mention is that the current proposed site is presently posted with a sign from the Township which states "Hilltown Township Open Space Recreation for Benefit of Citizens". There is a concern that at some point in the past, this property may have been purchased for the purpose of open space recreation for citizen use. Mr. Lohan is concerned that the proposed salt storage shed may somehow compromise that original notification posting.

In summary, Mr. Lohan stated there are a number of neighboring property owners who are opposed to the placement of the proposed facility at the Rt. 113/Callowhill Road location. There are

alternate properties which are as suitable for construction of this facility, as the proposed site. Further, Mr. Lohan feels there is a need in the Township to preserve open space for future needs.

Chairman Bennett commented the Board's decision for placement of this facility is not final at this time. Even when there is a worthwhile project, Chairman Bennett stated most residents recognize the need for it, however they do not want it in their back yard. Personally, Chairman Bennett has received several phone calls concerning this proposal. Chairman Bennett noted the Township owns 11 parcels of land, all of which have been reviewed by the Park and Recreation Board. With the possible exception of the site located at Rt. 113 and Callowhill Road, the Park and Recreation Board dismissed the other properties for use as park and recreation facilities. Chairman Bennett explained the parcel at Rt. 113 and Callowhill Road was purchased with federal funds in 1976, with no stipulations for use. Chairman Bennett would agree with Mr. Lohan's point concerning centralization if more ground was available at the present Township building site. This property consists of only 8 1/2 acres and is currently being challenged with the proposal to place a tower on the site.

Supervisor Bennington commented the use of the site at Rt. 113 and Callowhill Road will not only be used for a possible salt storage shed, it is planned that the site will also be used for soccer practice fields which Deep Run Sports Association desperately needs.

Supervisor Fox agrees that Mr. Lohan and his neighbors have valid concerns, however he explained the site at Callowhill and Rt. 113 is one of the few sites that has not been given to the Township to specifically be used as open recreational space. It is lands purchased with federal money so that the Township could utilize it for whatever they wished to use it for. Mr. Lohan's concern about run-off at the proposed site is the concern the Township has with their present site at Rt. 113 and Diamond Street. The Township has been mandated to store salt inside a building on a concrete floor so that it can not leach into the ground and run into a stream or contaminate wells. As far as aesthetics, Supervisor Fox believes the proposed salt storage shed will look proper and will be far enough from the road so that it will not be a distraction. There should be very little upkeep involved with a pole barn type building. Supervisor Fox believes there will be very little impact on the surrounding properties, considering the salt storage shed will be very far off the road and out of the way. Further, Supervisor Fox noted the site Mr. Lohan spoke of at Schoolhouse Road and Keystone Drive is open space for passive recreation use along the stream, and therefore, that parcel could not be used. For the record, Mr. Horrocks advised Hilltown Township does not currently store salt outdoors. Any salt material is stored

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inside the structure at Rt. 113 and Diamond Street. The only pile stored outside at that location is a mix of salt and cinders.

Mr. Lohan asked if the plans for additional recreational opportunities at the proposed site is something that is planned for five to ten years from now, or if it is planned now as part of development of the site. Chairman Bennett believes it is in the plans within the next two years. Supervisor Bennington feels it will be even sooner than that, because there is a great shortage of playing fields within the Township.

F. 8:00PM - PUBLIC HEARING - DISCHARGE OF FIREARMS ORDINANCE:

Chairman Bennett announced the adjournment of the regularly scheduled Board of Supervisors meeting of February 27, 1995 at 8:00PM, and advised the Board would enter into the advertised Public Hearing to hear comment concerning the Discharge of Firearms Ordinance. Mr. Horrocks read the preamble to this proposed Ordinance, which follows: "An Ordinance of the Hilltown Township Board of Supervisors defining and establishing regulations for the discharge of firearms; permitting hunting under the applicable laws of the Commonwealth; designating an enforcement officer; and prescribing penalties for violations."

PUBLIC COMMENT:

1. Mr. Ed Dembrosky - 1012 Telegraph Road - Mr. Dembrosky was in attendance the last time the Board attempted to pass this Ordinance to try to register all rifle ranges. At the time, there was a great deal of testimony against the proposed Ordinance. After several hearings, it was determined that the Township was not permitted to adopt the Ordinance because only Federal regulations can regulate firearms. Further, the Township can not confiscate weapons unless a crime has been committed. Mr. Dembrosky asked why the Board is attempting to pass this Ordinance again.

Solicitor Grabowski noted a very similar Ordinance has been adopted by New Britain Township and has made its way through the Pennsylvania Courts. The Pennsylvania Commonwealth Court has upheld the validity of a Firearms Discharge Ordinance. This Ordinance is not intended to regulate hunting in any fashion, and does not supercede hunting laws or gaming laws of the Commonwealth of Pennsylvania. Nor does it necessarily involve any type of restriction or limitation on the ownership of firearms. Solicitor Grabowski stated it is certainly a constitutional right and the proposed Ordinance does not contain any language that would even lend itself to such limitation or restriction.

Mr. Horrocks read Sections 3 and 4 of the proposed Ordinance pertaining to hunting, which follows:

Section 3 - Exceptions as to Hunting: Nothing herein contained shall prohibit the use of a firearm when used for hunting purposes in accordance with rules, regulations, and statutes of the Pennsylvania Game Commission, the use of any type of firearm by a person licensed to carry such firearms for person protection or for law enforcement.

Section 4 - Exception As To Defense Or To Target Shooting - No person, firm or corporation shall, except in the defense of person or property, fire or discharge any firearm within the Township of Hilltown. An exception would be for target shooting in an area in which it would be safe to conduct such target shooting. This shall include an area in which the discharge of said firearms does not constitute a danger to persons or property.

Mr. Horrocks noted those two paragraphs are exemptions of this Ordinance. Supervisor Fox commented anything the State allows now can be continued. For instance if an animal is destroying crops or property, it can be shot. This is presently under the State laws.

Mr. Dembrosky questioned whether this proposed Ordinance is legal; and whether or not it violates taxpayer's rights. Based on the Pennsylvania Commonwealth Court Case of Baird vs. New Britain Township, Solicitor Grabowski stated this exact Ordinance was found to be valid. Solicitor Grabowski believes what the Township is looking to prevent are situations such as what happened in Chester County yesterday, where a woman sleeping in her bedroom was hit by a stray bullet. The State Police and Game Commission investigated and determined it was a random shot taken at a road sign. Like it or not, Solicitor Grabowski stated Hilltown Township is growing larger in terms of population. This is an attempt by the Township to control the reckless use of firearms. Mr. Dembrosky still feels there will be instances where a person who has not committed a crime can have his weapons confiscated. Mr. Dembrosky believes there is a Federal law against that and suggested the Township do some research before passing this Ordinance.

Chairman Bennett commented the Township is not attempting to abridge Mr. Dembrosky's rights or any other citizen's rights, particularly concerning hunting or self-defense, however he feels the Board is obligated to protect its citizens.

2. Mr. Jim Stauffer - 18 Spring Hill Lane - Mr. Stauffer agreed with Mr. Dembrosky, stating he himself shoots trap at his home and is tired of seeing his second amendment rights being whittled away. Mr. Stauffer does not see how passing another silly Ordinance will keep someone from shooting at a sign or randomly using a firearm in an unsafe manner. Mr. Stauffer commented he has raised two sons who use firearms properly and safely. Any gun can

be dangerous in the wrong hands. Mr. Stauffer is a lifelong member of the N.R.A. and has a permit to carry a firearm. Mr. Stauffer feels the Township's time would be better spent chasing speeders who race down Diamond and Green Streets, causing more danger to residents than the use of firearms.

Supervisor Bennington commented he is not a hunter and the last time he fired a weapon in anger was 24 years ago when he was in the service, however he would be the last person to try to abridge the rights of hunters or those who target shoot. Supervisor Bennington believes part of the reason for this Ordinance is because there was recently an incident in this Township where someone was firing an automatic weapon at a target around a very populated area. This proposed Ordinance will give the police department "teeth" to stop this type activity and protect the residents of this Township. Further, Supervisor Fox stated there are also those who shoot up into the air randomly, and at present, the police department can do nothing about that. If this Ordinance passes, Supervisor Fox promised that if he finds there is overzealousness in the police department, or if a resident is legally hunting or target shooting, yet is arrested and the weapon is confiscated, he will personally make a motion to revise or strike this Ordinance. Supervisor Fox does not believe the proposed Ordinance will have any effect on legal gun activities in this Township. To Mr. Stauffer, it sounds as though the Supervisors are attempting to turn Hilltown Township into another Morton Grove. Chairman Bennett does not feel that is the case, believing that the Board is very conscious of too much government regulation, especially since the last election. There are 12,000 citizens in the Township and it is growing fairly rapidly. Chairman Bennett stated the Supervisors must try to protect those citizens. There was a game warden at a Civic Association meeting last year who said that a .22 bullet could travel one and a half miles. Chairman Bennett is not a hunter, yet at the same time he owns guns and has a license. The Supervisors sympathize with Mr. Dembrosky and Mr. Stauffer's point of view, however Chairman Bennett does not see this proposed Ordinance as an infringement on their rights.

If the Ordinance was passed this evening, Supervisor Bennington asked if Mr. Stauffer would be happy with a re-evaluation of the situation after six months to determine what affect it has had on the community. Mr. Stauffer would rather see the Ordinance put to a referendum, thereby allowing the residents to vote on the matter. Mr. Dembrosky feels passing this Ordinance would take away his civil rights. Supervisor Bennington asked what right the Board would be taking away by passing the Ordinance. Mr. Stauffer believes his hunting rights would be infringed upon. Supervisor Bennington explained hunting and target shooting have been addressed in the Ordinance, and those rights will not be taken away. Chairman Bennett commented the proposed Ordinance is not

meant to abridge or abdicate the resident's rights at all, it is meant to protect the citizens of Hilltown Township.

3. Mr. Al Ludwig - 1014 Orchard Road - Mr. Ludwig owns a 4 3/4 acre parcel which slopes to the rear. Mr. Ludwig bulldozed that rear portion of the property into a high bank in order to use it as a backstop for target shooting purposes. Mr. Ludwig is also a member of the N.R.A, however he can understand the Township's concern about firing weapons in densely populated areas. Mr. Ludwig has read the proposed Ordinance and does not believe it infringes upon any resident's rights.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #95-1, concerning the Discharge of Firearms, with the stipulation that it be reviewed with public comment after six (6) months.**

The Public Hearing was adjourned at 8:47PM, and the Board of Supervisors reconvened the regularly scheduled Board of Supervisors meeting of February 27, 1995 at 8:47PM.

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

1. Mr. Horrocks presented three Escrow Releases for the Board's review and approval, two of which are cash held by the Township:

Summit Court	Voucher #2A	\$ 550.00
Summit Court	Voucher #3A	\$ 22.30
Telvil Corporation	Voucher #18	\$ 299.10

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the release of the Authorization Vouchers as listed above.

2. For the Board's consideration, Mr. Horrocks presented Resolution #95-15, declaring the intent to follow procedures for disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities as issued on May 17, 1982, and as amended on December 1, 1982.

Mr. Horrocks explained that prior to the Township adopting a Resolution to dispose of certain municipal documents, a Resolution must first be adopted which authorizes the intent to follow the procedures for disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities.

Supervisor Fox has a concern about destroying any financial records for the years 1987, 1988, and 1989, which he does not believe

should ever be destroyed due to the circumstances.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt Resolution #95-15, a Resolution declaring intent to follow the procedures for disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982, and as amended on December 1, 1982 (including Sections 13.25 and Sections 13.26), and to adopt Resolution #95-16, authorizing the disposition of the following public records, excluding any financial records for the years 1987, 1988, and 1989: a) Treasurer's Account Books 1 and 2 for years 1959 through 1964; Account Books (Liquid Fuels) for the years 1981 through 1985; Check Stubs for the years 1985 through 1986; Paid Bills for the year 1982; Paid Bills, Cancelled Checks and Bank Statements for the year 1984; Paid Bills and Bank Statements for the year 1985; Paid Bills, Bank Statements, Deposit Slips, Payroll, and Quarterly Reports for the year 1986; and Quarterly Payroll Tax Reports for the year 1984.

3. There is an additional Grant called "Cops More", which allows police departments to purchase items that will make their departments more efficient, such as computer equipment and programs. Mr. Horrocks is requesting the Board's authorization to pursue this grant.

The Board unanimously agreed to authorize the Hilltown Township police department to pursue the "Cops More" Grant, as specified above.

4. At their meeting on Wednesday, February 15, 1995, the Fire Prevention Bureau unanimously made the following recommendation for the Board of Supervisors to consider:

The Fire Prevention Bureau unanimously recommended to authorize George C. Egly, Jr., Hilltown Township Director of Public Safety, to review all Hilltown Township Emergency Response County Boxes and report his findings back to the Fire Prevention Bureau for their review and possible recommendation for adoption by the Board of Supervisors.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize George C. Egly, Jr., Hilltown Township Director of Public Safety, to review all Hilltown Township Emergency Response County Boxes and report his findings back to the Fire Prevention Bureau.

5. The Planning Commission, at their meeting of Monday, February 20, 1995, recommended the Board of Supervisors authorize C. Robert Wynn, Township Engineer, to review the Hilltown Township

Subdivision/Land Development Ordinance, as amended, and make revisions to the same to comply more fully with the Municipalities Planning Code.

Mr. Horrocks noted this item does have a budgeted line item in the 1995 budget.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize C. Robert Wynn, Township Engineer, to review the Hilltown Township Subdivision/Land Development Ordinance, as amended.

6. There has been discussion in the past concerning the street address file currently kept in the Administrative department. This file is a manual, handwritten file which is very old. Mr. Horrocks requested approval for Mr. Warren Nace, Zoning Officer, who is currently a 20 hour per week part-time employee, to provide 12 more hours per week for four weeks in order to review and enter street address information into the computer. This will help the Township greatly with 911 and the peculiarities involved with having nine delivering zip codes. The cost would be \$552.00 of additional salary. These funds could come from a line item called "Salary - Temporary Services" which has been budgeted in the amount of \$5,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize that Mr. Warren Nace provides 12 more hours per week for four weeks in order to review and enter street address information into the computer.

7. Pending Board authorization, Mr. Horrocks advised two advertisements are currently ready to be faxed to the newspaper tomorrow, dealing with the proposed Zoning Ordinance of 1995. When that revised Ordinance was delivered to Mr. George Spotts of the Bucks County Planning Commission, he strongly suggested that because of the map changes, and due to the fact that the Board reinstated single family cluster in the Rural Residential Zoning District, and because there are more exemptions on the 80,000 sq. ft. water conservancy land in the Rural Residential Zoning District, that Hilltown Township allow the Bucks County Planning Commission to make another formal review. The first advertisement was initially approved to hold the Public Hearing at the Worksession meeting on March 13, 1995. The second advertisement would be to hold the Public Hearing at the Worksession meeting on April 10, 1995.

With the exception of the map, Supervisor Fox feels the revisions are so minor that the Zoning Ordinance need not be sent back to the Bucks County Planning Commission for further review.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett, to send the Zoning Ordinance back to the Bucks County Planning Commission at the request of Mr. George Spotts, for further review, and to reschedule the Public Hearing concerning the Zoning Ordinance for Monday, April 10, 1995. Supervisor Fox was opposed, however he agreed the zoning map should be sent back to the Bucks County Planning Commission for further review.

8. Mr. Horrocks reported on the conference he recently attended which was co-sponsored by the Western Pennsylvania Municipal Managers Association, Southwestern Pennsylvania Municipal Secretaries Association, the Association for the Pennsylvania Municipal Management Institute and the Department of Community Affairs. The two day conference was held south of Pittsburgh and, without question, Mr. Horrocks feels it was the greatest education he has had with municipal management since he has been the Township Manager. A great deal of information was covered in two days and Mr. Horrocks believes it will be very beneficial for his performance as the Township Manager. The key note speaker was from the University of Kansas. In Mr. Horrocks' opinion, this speaker was simply brilliant. That session dealt not with municipal managers, but rather with having those municipal managers think as elected legislators when dealing with certain problems.

H. CORRESPONDENCE - Mr. Bruce G. Horrocks, Township Manager - None.

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

1. The Vasturia Subdivision consists of two lots and is located on Upper Church Road. Lot #2 is proposed to be improved by the installation of a small flow sewage treatment facility. Solicitor Grabowski presented the Sewage System Maintenance Agreement, which is required not only by the Township, but also by the Pennsylvania Department of Environmental Resources in order for permits to be issued. The applicants have deposited the required sum of \$2,500.00 with the Township in an Escrow Account and the appropriate agreements have been signed. Solicitor Grabowski recommended the Board accept the Sewage System Maintenance Agreement for Mr. and Mrs. Pasquale Vasturia of 610 Upper Church Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Sewage System Maintenance Agreement for the Vasturia Subdivision.

2. The Eleanor Miller Subdivision is located on Blooming Glen Road. As a condition of subdivision approval, Solicitor Grabowski noted there is a need for an agreement concerning

installation of street trees, which has been executed by Mrs. Miller. An Escrow in the amount of \$1,380.00 has been established with the Township. In addition to the Escrow Agreement, there is also a Declaration of Easement of road frontage to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Escrow Agreement regarding street trees for the Miller Subdivision, and to **adopt Resolution #95-17, for the Declaration of Easement for the Miller Subdivision.**

3. Agreements relating to Phase II of the Country Roads Subdivision project, located at South Perkasio Road and Rt. 152, are before the Board for approval this evening. Solicitor Grabowski advised Phase II of this project requires Escrow in the amount of \$463,898.39, which has been escrowed through CoreStates Bank. The agreements have been executed by Mignatti Ventures, Inc., the developer, and by CoreStates Bank. The development and security agreements are now in place. All of the appropriate easements will be held in escrow for ultimate dedication at a later time. Solicitor Grabowski recommended the Board accept the Development Agreement and the Financial Security Agreement of Mignatti Ventures, Inc. and CoreStates Bank, regarding Phase II of the County Roads Development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Development Agreement and the Financial Security Agreement of Mignatti Ventures, Inc. and CoreStates Bank for Phase II of the County Roads Subdivision.

4. Solicitor Grabowski advised the second A.W.A.C.S. Conditional Use hearing was held this past Saturday, February 25, 1995. Unfortunately, the hearing did not finish and Solicitor Grabowski asked the Board to schedule a date for the third and final hearing on the matter. The Board agreed to hold the final A.W.A.C.S. hearing on Thursday, March 29, 1995 at 7:00PM.

There was discussion regarding testimony given at the last hearing from members of the Gliderport. Supervisor Bennington was concerned about the statement that tow wires pulling gliders have broken 80 times within the last year, and suggested the Township contact the F.A.A. to have them investigate the matter.

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

1. Bethlehem Pike Business Park (Prel.) - The site is located on Bethlehem Pike, north of Reliance Road, near the high tension wires and immediately adjacent to the Haberle property. The plan proposes a cul-de-sac industrial street, built to Township standards, and is also proposed to be served by public sewer and

ultimately, public water, by the Telford Borough Authority. The Planning Modules submitted to the Township propose that all public sewer lines be installed in the subdivision, including the extension of public sewer along the frontage of Bethlehem Pike to the southern corner of the property. Future extension will service additional properties between the site and Reliance Road. Initially, pending the release of additional EDU's by the Pennridge Wastewater Treatment Authority, these lots will be served by permanent holding tanks which are expected to generate less than 400 gallons of sewage per day. The plan proposes to manage stormwater run-off construction at the retention basin which will be on Lot #8. All of the grading shown on sheet #2 is proposed to be done initially to create the building pads for future building of the parking area. One condition of plan approval is that all the grading and stabilization be included in the Escrow Agreement since it is all proposed initially. The Planning Commission recommended preliminary plan approval subject to the following conditions - receipt of Planning Module approval from DER; approval from the Telford Borough Authority for the proposed sanitary sewer line extension and clarification of approval as well as availability of capacity for the public water system; proposed grading and stabilization must be included within the Financial Security Agreement; street tree location must be resolved during the final plan process; street improvements along Bethlehem Pike must be approved by PennDot; verification of approval must be received for erosion and sedimentation control measures by the Bucks County Conservation District; resolution regarding the number of street lights and proposed fixtures must be accomplished to the Township's satisfaction during final plan stage; all property monumentation must be installed as shown on the plan; and a Financial Security Agreement and Development Agreement must be executed between the applicant and the Township. Further Mr. Wynn noted the proposed street name "Business Park Drive" was satisfactory to the Planning Commission provided it would not be a duplication within the Telford postal delivery area.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to the Bethlehem Pike Business Park, subject to the conditions as specified by the Planning Commission.

2. Bricks Villa Subdivision (Revised Final) - Mr. Wynn noted this plan is a revised final plan with some changes relative to water and sewer. Bricks Villa received final plan approval several years ago. The water line originally proposed to run along Rt. 113 to the far access to the site is being re-routed through the internal street system and back out into Rt. 113, with the existing homes along Rt. 113 being provided with an 8 inch water line for possible future connection. Moving this line to the internal street system would reduce cost for roadway construction

and restoration along Rt. 113. The other significant revision is the movement of the sanitary sewer line from behind the rear of the lots on Schultz Road into an easement area along the front yard of those lots. That is contained within an easement which is a smaller easement within a larger easement to be granted to Hilltown Township. The actual access between the street right-of-way and the sanitary sewer line is controlled by Hilltown Township. This was at the request of the Planning Commission so that the Township would continue to have control over the extension of public sewer beyond this development. The concern is that this property, on the opposite side of Schultz Road, is zoned Rural Residential which is not intended, according to the Comprehensive Plan, the Zoning Ordinance or the Sewage Facility Plan, to be serviced by public sewer. By moving the sanitary sewer to the frontage of the lots, the rear area of the property is no longer required to have easement to sanitary sewer. This will allow the heavy woods to the rear of the property to not be disturbed.

The Planning Commission unanimously recommended that the revised final plan for the Bricks Villa Subdivision be approved subject to the following conditions: verification of approval of proposed water and sewer line revisions, in writing, from the Hilltown Water and Sewer Authority; all proposed easements/rights-of-way shown on the plan must be granted/dedicated to the Township or the Authority as noted; the proposed 15 ft. wide access easement along Schultz Road must be granted to the Township (which overlaps a 10 ft. wide sanitary sewer easement to be granted to the Authority) must be prepared with appropriate restrictions in a manner acceptable to the Township; proposed access to Rt. 113 and all grading activities and utility construction within the right-of-way must be approved by PennDot prior to construction; a Financial Security Agreement and Subdivision Agreement must be executed between the applicant and the Township to guarantee installation of public improvements; and verification of approval of proposed erosion and sedimentation control measures must be received from the Bucks County Conservation District.

Mr. John Lynch, representing the partnership of Mr. Brickajlik as well as the builder, advised he met with the Authority today concerning some revisions they would still like to see made to the plans. Procedurally, Mr. Lynch understands he was not to make those revisions until the Board had an opportunity to comment. Nor has Mr. Lynch made the revisions as requested by Mr. Wynn. If the Board grants final revised approval to this plan this evening, Mr. Lynch asked if any further revisions required by the Authority to the water design would be allowable. Mr. Wynn assumes any further revisions would be detail items. Obviously though, if the water and/or sewer lines require a revised location, the plan would have to come back before the Board. Mr. Lynch met with Mr. Bill Kee, engineer for the Authority, who advised the Authority required the

applicant to extend a 12 inch main internal to the site, which the applicant did. At the time that request was made, it was very clear that this was something above and beyond what the applicant had originally agreed to, and the Authority was going to reimburse that expense 100%. Supervisor Fox asked where the 12 inch main is coming from. Mr. Lynch pointed out the location on the plan. Supervisor Bennington suggested the Board make a motion to approve the revised final plan with the condition of the approval of the proposed water and sewer lines as shown on the plan now, and if changes are made which would impact on the plan, the plan must come back before the Board of Supervisors. Solicitor Grabowski commented another alternative would be to table any legal action this evening. The Board agreed to table any action on the Bricks Villa Subdivision Revised Final plan.

3. Simons Act 537 Agreement - The Planning Commission reviewed this submission at their last meeting, recommending approval subject to execution of an Operation and Maintenance Agreement. The reason the plan is before the Board is for their authorization for the Township Solicitor to prepare the appropriate Operation and Maintenance Agreement, so that when the proposal does come before the Supervisors, they can approve the entire package.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to commence preparation of the Operation and Maintenance Agreement for the Simons Act 537 Plan, located on Middle Road.

4. Vasturia Planning Modules - Mr. Wynn advised the Vasturia Subdivision agreements were signed and accepted. The plan proposes one new lot with a package treatment plant, located on Upper Church Road. At the time of minor subdivision approval, the Board tabled the Act 537 Plan subject to the Operation and Maintenance Agreement being executed. Since the Agreement has been executed, Mr. Wynn requested the Board adopt a DER Resolution for plan revision for new development, authorizing the Planning Modules to be forwarded to DER along with a copy of the Operation and Maintenance Agreement for their review.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-18 for plan revision for new land development to DER for the Vasturia Subdivision.**

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

1. Schade Tract Subdivision - At their January meeting, the Board of Supervisors authorized default of the escrow agreement for that development if a further extension and Letter of Credit was not received. The site is located on Green Street and Rickert

Road, which primarily still involves construction of some driveway entrances, grading, and completion of trees and monuments. Mr. Wynn explained the Township received an extension of the Letter of Credit by Meridian Bank which now expires on January 30, 1996. This agreement for construction of public improvements had an original time frame for completion by December 31, 1991. The past three years, the Board has been faced with the possible declaration of default and then the receipt of a last minute extension of the agreement. Mr. Wynn requested authorization to advise Mr. and Mrs. Schade that completion of all public improvements in this development must be accomplished no later than July 1, 1995.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Wynn to advise Mr. and Mrs. Schade that completion of all public improvements in the Schade Subdivisions must be accomplished no later than July 1, 1995.

L. RESIDENT'S COMMENTS:

1. Mr. David Rumer of Line Lexington purchased a property consisting of 7.6 acres, located at the corner of Mill Road and Keystone Drive in early 1989 in order to construct a retirement home. The property was purchased from Toth Brothers with an EDU and a permit for a sand mound. In 1990 and 1991, Mr. Rumer was caught in the economic down turn and decided to sell the property. The property was advertised for sale for approximately 3 or 4 years as the entire 7.6 acres, however there were no interested buyers. Mr. Rumer then decided to subdivide the property into three lots. Mr. Rumer knew that he had to leave the soil cure for four years before obtaining permits for sewage from the County. Mr. Rumer contracted the firm of Soil Services to assist in the project. At some point, the idea of construction of a retention basin was mentioned. As far as Mr. Rumer was concerned, with the original 17 lot Hawk Ridge Subdivision and its retention pond over the hill from the site, it covered his 7 1/2 acres, no matter what he did with the property. At the time, Mr. Wynn had advised the Rumeres that a retention basin was required because a new law was passed in 1993. Mr. Rumer claimed that he asked to purchase the book stating this new law, but was told it was in engineer's terms and that he would not understand it. Mr. Rumer installed the basin and was told that the basin would be mowable for easy maintenance. Not understanding the criteria fully, Mr. Rumer paid a contractor to dig the basin which turned out to be approximately 1/2 acre wide by 4 or 5 ft. deep, in the middle of the 7.6 acres. Mr. Rumer commented the construction of the basin literally destroyed the property. A man who had originally shown an interest in purchasing the middle lot immediately withdrew an offer. Since that time, Mr. Rumer spoke with real estate agents to determine whether the construction of the basin would affect the possible sale of the

property and was told that the property could be sold but Mr. Rumer would definitely not recoup what he had invested in the property. The basin is so deep and back so far that a home could not be constructed behind it.

Mr. Rumer considers the submission he made a minor subdivision because there were only 2 lots proposed, and it would not require a basin. Mr. Rumer previously had an EDU and a sewage permit for the original piece of property, and stated all he had proposed was to cut two lots from that. Mr. Rumer was told that is considered a three lot subdivision but he disagrees. Chairman Bennett advised he and Mr. Rumer have discussed this subject to no avail. Supervisor Fox explained Mr. Rumer began with one lot and ended up with three separate lots, which constitutes a three lot, or major subdivision. Mr. Rumer commented he began with one lot, of which he already had a permit for, and then cut two lots from that. Mr. Rumer feels that would be considered a two lot subdivision. Supervisor Fox stated that is incorrect and the Board agreed.

Mr. Rumer asked what the criteria for impervious surface is based on. Mr. Wynn replied the criteria for whether or not a retention basin is required has nothing to do with how many lots there are, but rather how many square feet of impervious surface is expected. Mr. Wynn advised the Ordinance requires that any property on which there is anticipation of 10,000 sq. ft. or more of impervious surface, stormwater management is required under the Neshaminy Creek Stormwater Management Ordinance. Mr. Wynn noted that question was raised at the very first Planning Commission meeting when Mr. Rumer's engineer was present. The question was, on three lots within the Hawk Ridge Subdivision, can we anticipate more than 3,300 sq. ft. of impervious surface on each lot. The feeling was with the improvements being built in that general area, these three lots would exceed 10,000 sq. ft.. Mr. Wynn stated that was not disputed by Mr. Rumer's engineer at the time. The applicant's engineer even agreed to return showing a retention basin on the plan. Mr. Rumer is very upset about this requirement because now he can not dispose of the property.

Mr. Rumer asked when the Neshaminy Creek Stormwater Management Ordinance was passed. Mr. Wynn believes it was passed in 1993. Mr. Rumer asked if there is a "grandfather clause" in the Ordinance, since he began this project before 1993. To Mr. Wynn's knowledge, there is not a "grandfather clause."

Mr. Rumer explained he invited the executive director of the Bucks County Planning Commission to view the site. After viewing the property, the executive director stated the retention basin was "overkill." Mr. Rumer feels the construction of the basin has made one of the most beautiful pieces of property in Bucks County, literally worthless.

Supervisor Fox explained the Township must implement and adhere to the Neshaminy Creek Stormwater Management Ordinance. Mr. Wynn noted there are various alternatives to managing stormwater runoff contained within the Neshaminy Creek Stormwater Management Ordinance besides construction of a retention basin. It is not up to the Township to design an applicant's stormwater management, it is the responsibility of the applicant's surveyor to do that. Mr. Rumer asked if Mr. Wynn is speaking of the underground piping system. Mr. Wynn replied that is one option. Mr. Rumer noted the soil in this area is not conducive to underground piping.

Mr. Rumer quoted Section 230 of the Township's Ordinance, which states "Impervious surface ratio is a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the base site area." Since the retention basin was installed on Mr. Rumer's property, the neighbor still gets water running across the street onto their property. Mr. Wynn does not doubt that because of the fact that the other improvements required along the street have not been installed. A swale was required, as shown on the plan, but has not been constructed. Mr. Rumer stated the road water is not his problem. He spoke to a woman who has traveled that road for 40 years who stated there has always been water in the road. Further, Mr. Rumer noted there is a requirement on the plan for an elliptical pipe to be replaced. Mr. Rumer advised that 18 inch diameter pipe was replaced in 1989 at the Kachline and Costello properties. It was required to be replaced with a 14" by 23" elliptical pipe and Mr. Rumer asked why, because it would not carry any more water. Mr. Wynn commented that pipe was not replaced, rather it was extended in 1989.

Supervisor Bennington asked for clarification of this entire issue. Mr. Wynn explained the Township adopted the Neshaminy Creek Stormwater Management Ordinance, which was a model Ordinance given to the Township by the County. It was modified by the Township to the extent that those portions of the Ordinance which were not applicable were deleted. For example, there were areas where different release rates were permitted and those sections were removed from the Ordinance because they were not applicable to Hilltown Township. This Ordinance affects the bottom third of the Township and contains certain exempted activities. Exempted activities includes a 10,000 sq. ft. expected future impervious surface. If the project in total does not propose or is not expected to have more than 10,000 sq. ft. of impervious surface in the future, it is an exempt project.

Supervisor Bennington asked Mr. Wynn if he would have any suggestions for Mr. Rumer so that he can sell the property. Mr. Wynn suggested the site be evaluated for stormwater management and the design then be revised. Mr. Rumer asked if the basin could

be removed, with a ditch placed on the property from Keystone Drive to Mill Road. If the properties were deed restricted from future development, acceptable to the Township, so that impervious surface was less than 10,000 sq.ft., Mr. Wynn replied the basin could be removed. Mr. Wynn is not certain, however, that it would be acceptable to the Township. If those three lots are developed similarly to the lots in Hawk Ridge, Mr. Wynn noted there will be more than 10,000 sq.ft. of impervious soil on the three lots. Discussion took place concerning the options available to Mr. Rumer.

2. Mr. Bill Godek asked if the Township is aware if there has been any further action concerning the Murphy property. To Chairman Bennett's personal knowledge, there has been no change of status at the Murphy property. Supervisor Fox has heard rumors that there may be some type of an agreement of sale pending.

Mr. Godek asked the size of the property containing the present maintenance building located at Rt. 113 and Diamond Street. Mr. Horrocks believes that site consists of approximately 3 or 4 acres. Mr. Godek asked how much area is required for construction of the proposed salt storage shed. Chairman Bennett believes the building could be erected on an acre or less of ground.

In terms of the traffic signals at the schools located throughout the Township, Mr. Godek asked who is responsible for their maintenance. Supervisor Fox replied the Township is responsible for their maintenance and upkeep. Mr. Godek advised the traffic signals at Our Lady of Sacred Heart School have been malfunctioning for over a year. Chief Egly is aware that the signal company has been at that location a number of times. Mr. Horrocks will contact the signal company and advise them of the problem. Mr. Godek requested that Mr. Horrocks ask the contractor how many times and the exact dates they have been at that site during the months of January and February. Mr. Godek asked if the Township received any phone calls from the principal of Our Lady of Sacred Heart concerning the traffic signal. Mr. Horrocks replied the administrative office had not received any phone calls concerning this matter. Mr. Godek was told that the Township was notified on several occasions of the traffic signal malfunction. Mr. Godek asked when he can expect the problem with the traffic signal to be corrected. Chairman Bennett assured Mr. Godek that the signal company will be notified first thing in the morning.

Mr. Godek asked what change was made to the zoning map in the proposed Zoning Ordinance. Supervisor Fox explained five properties located on Bethlehem Pike were changed from LI (Light Industrial) to PC-1 (Planned Commercial I). Further, there will be an zoning alignment behind Calvary Church.

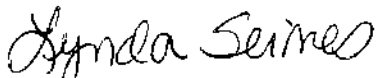
Mr. Godek asked why the proposed Zoning Ordinance was "watered down" with regard to applying for a zoning amendment. In 1978 there was a section in the Ordinance called "Impact Statement" and under that, it listed three things, including an agricultural impact study, an environmental impact study and a transportation impact study. All those things were required of someone hoping to change the zoning. The Ordinance adopted in 1983 included something to do with the Comprehensive Plan, an environmental impact study, and a transportation impact study. The proposed Zoning Ordinance does not require anything to do with the Comprehensive Plan and there is no environmental impact study required. The only requirement listed is for information concerning a market area to be served and a traffic impact study. Mr. Godek felt that was ridiculous, stating it had nothing to do with public concern. Supervisor Fox believes all the same requirements are in the proposed Zoning Ordinance. Mr. Godek asked for a copy of the latest revised proposed Ordinance. Mr. Horrocks noted copies will be available for public review during normal business hours.

M. SUPERVISOR'S COMMENTS: None.

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

O. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the February 27, 1995 Board of Supervisors Meeting was adjourned at 10:50PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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