

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULAR SCHEDULED PUBLIC MEETING
MONDAY, AUGUST 22, 1994
7:30PM**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:42PM and opened with the Pledge of Allegiance.

- Also present were: Kenneth B. Bennington, Vice-Chairman
- Jack C. Fox, Supervisor
- Bruce G. Horrocks, Township Manager
- John Rice, Township Solicitor
- C. Robert Wynn, Township Engineer
- George C. Egly, Chief of Police
- Barbara L. Hefner, Administrative Secretary

Chairman Bennett announced the Supervisors and the Township Manager met in Executive Session prior to this meeting to discuss matters of litigation. Mr. John Rice, Township Solicitor discussed the two matters of litigation. The Board of Supervisors met to discuss an on going case involving property owned at the corner of Blooming Glen and South Perkasio Road which was subject to several court actions zoned by a corporation by the name of Rents Industrial Inc. owned by Mr. Vernon Horn. The other matter that was discussed was the Jones' Commonwealth Court Appeal. This matter was resolved in favor of the township.

A. APPROVAL OF MINUTES: Action on the minutes of the July 25, 1994 Board of Supervisor's Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 25, 1994 Board of Supervisors Meeting as written.

Action on the minutes of the August 8, 1994 Board of Supervisor's Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 8, 1994 Board of Supervisors Worksession Meeting as written.

B. APPROVAL OF CURRENT BILLING:

Bills List dated August 5, 1994, for a General Fund total of \$24,745.00; A State Highway Fund total of \$4,831.00; for a grand total of \$29,576.87.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated August 5, 1994 subject to audit.

Page 2
Board of Supervisor's Meeting
August 22, 1994

Bills List dated August 17, 1994, for a General Fund total of \$25,564.00; A State Highway Fund total of \$937.73; for a total of \$25,502.14.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated August 17, 1994 subject to audit.

C. TREASURER'S REPORT - Mr. Bruce Horrocks -

Mr. Horrocks presented a six month review on the budget and how the Township stands with identified revenues and expenditures.

Chairman Bennington stated to Mr. Horrocks the analysis for the first two quarters verses last year was very good.

Mr. Horrocks presented the Treasurer's Report with the following balances, as of August 22, 1994.

General Fund Checking Account	\$129,371.20
Payroll Checking Account	\$ 265.32
Fire Fund Checking Account	\$ 75,213.36
Debt Service Checking Account	\$132,518.95
State Highway Aid Checking Account	\$ 87,001.18
Escrow Fund Checking Account	\$133,519.71

Mr. Horrocks noted that after the first six months for 1994, the net balance in the general fund is +\$74,600.00. While this figure only represents the first six months of the year, it shows how we should fair in 1994.

Supervisor Bennington asked Mr. Wynn to highlight some of the key items in the Escrow Account. Mr. Horrocks said we currently have \$16,750.00 in lieu of street improvements from the original Finkelstein Subdivision, and we also had \$80,000.00 and taken out \$40,000.00 for guard rails this past year in lieu of street improvements from the Toth Subdivision. Mr. Bennington asked Mr. Horrocks to put together a list explaining the \$133,519.71 in the Escrow Fund Checking Account.

Chairman Bennett said real estate transfer tax is about \$17,000.00 lower than it was a year ago. Chairman Bennett said the Township has an annual budget of about \$2.3M and fifty percent of the revenue is from the one percent earned income tax, which the Township receives half of the one percent and the school district receives the other half.

Page 3
Board of Supervisor's Meeting
August 22, 1994

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated August 22, 1994 subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Jack Heatherington - Olesky Zoning Hearing Appeal - Mr. Jack Heatherington spoke on behalf of the Olesky Zoning Hearing Board Appeal. Mr. Olesky went to the Zoning Hearing Board after presenting a land development plan to the Planning Commission for a property located on Spur Road and Old Bethlehem Pike. The Planning Commission had some concerns about the existing development on the premiss and the change in use from a residential dwelling house with some activity in a frame storage barn to Mr. Olesky's proposed use of continuing the residential uses and putting his automobile sales business on site. The applicant was sent to the Zoning Hearing Board primarily because of the frame garage being located in the setback of the side yard between the neighboring property which is residential and the subject property which is a mix. There was some question as to whether or not the automobile business of Mr. Olesky would be primarily operated out of the frame garage or as the applicant has shown on the plan that the business activities would be conducted out of an office in the dwelling structure. The Zoning Hearing Board entered a decision from which the applicant was obliged to take an appeal for a number of reasons. Not because the applicant disagreed with the Ordinances or that we are trying to do something that the Ordinances do not allow, but there are a couple of things in the Zoning Hearing Board's decision that the applicant was obligated to appeal from. Since Mr. Heatherington asked for the confirmed appointment this evening the applicant now has a scheduled conference with Judge Scott at the end of the month. Mr. Heatherington basically wants to lay out his position that was taken in the appeal. We appealed everything from the Zoning Hearing Board's decision. If an appeal was going to be filed it would be simpler for Mr. Heatherington to appeal the entire plan. All of the issues that were raised in the Common Pleas Court are not litigation issues. We can compromise on a number of the issues but there are several issues that need to be addressed to the Board of Supervisor's in order to consider the upcoming conference and try to avoid continuing litigation procedures or further Zoning Hearing Board procedures in front of Judge Scott. Mr. Olesky has been trying to buy this property under agreement of sale since January, 1994. Mr. Heatherington presented a plan for the Board to view for information only. Mr. Heatherington is aware no action will be taken on the plans. The problem with the frame garage is it is located between the neighboring property which has a

Page 4
Board of Supervisor's Meeting
August 22, 1994

residential use and the frame garage is a primary business use. The frame dwelling house has been there since the 1800's and has a residential use where the present owner lives. There is also an apartment use where a tenant rents the apartment, an office use which the present owner uses for his business. The applicant proposes to continue the two residential uses and the office use and a frame garage would be an accessory use where the cars would be prepared and displayed for sale. When Mr. Olesky came to the Board of Supervisor's his initial thought was that he would live in the house, rent the apartment, and use the office for his sales business and have his employees working in the frame garage. The present owner is involved in trying to buy a property in another part of the township that itself is under subdivision and not yet itself complete. The testimony Mr. Olesky gave at the Zoning Hearing Board about Mr. Olesky intending to live in the house may not come about because the present owner is probably going to have to stay in the house at least until his new house is finished and the subdivision is through. When the Zoning Hearing Board entered its decision a condition was put on the residential use for Mr. Olesky, which was that only Mr. Olesky could occupy the residence. Unfortunately, the way the Ordinance is written once the Board enters its decision, the Board really can't amend the decision even if they want to. The applicant filed the appeal. The Zoning Hearing Board's decision also indicated that the apartment use was not a pre existing non-conforming use. There was some suggestions at the Planning Commission and the Zoning Hearing Board about taking the office out of the house. Since the house is an existing non-conforming residential use it continues along. There is some thought that if you put the office use in a dwelling house making the office use in that structure conforming with the Ordinance then the entire structure must also be brought into conformity. There has been a difference of opinion as to whether it is an immediate requirement or whether it will develop in time. In trying to resolve the questions, and move on with the purchase and development of the business Mr. Olesky went back to L & I in Harrisburg to see if he couldn't go back to the frame garage and put an office in there. L & I would require a set office which would require additional construction. As a result if the applicant takes the office out of the house new construction would have to be done, which would further add to the cost of the project. The applicant request Hilltown Township to allow him to continue with the apartment. Mr. Heathering said Mr. Olesky's project doesn't become economically feasible unless he is allowed to keep the dwelling house the way it is with the existing office and two residents and drop the language from the Zoning Hearing Board's decision that only the owner can occupy the premise. Mr. Heatherington is trying to get his client to settlement in nine months.

Page 5
Board of Supervisor's Meeting
August 22, 1994

2. Mr. Ken Steigelman - Land Development Extension Request -

Mr. Steigelman is an industrial realtor on Route 309 and is here on behalf of Carl Fretz. Mr. Wynn suggested the applicant make a presentation in front of the Board of Supervisor's for an extension
Page 5

Board of Supervisor's Meeting
August 22, 1994

of this land development plan. The plan was approved four and a half years ago. The real estate market has been very dismal in the last four years. Mr. Steigelman bought the property with the idea of putting a building on the premise but because of the market he felt the timing was wrong. The applicant talked to a number of buyers for this small industrial lot but for one reason or other the sale never materialized. Recently, through an ongoing conversation with Mr. Fretz who operates a recreational vehicle facility on Route 309, expressed an interest in purchasing the property. We have since reached an agreeable sale price however, his plans do not include putting a building on the property immediately. Therefore, the applicant met with Mr. Wynn with the idea of attempting to save the land development plan. In the meantime the applicant would have a continuation of his service and sales business but strictly parking the units on the gravel covered grated area. There have been no changes on the property in the last four and a half years. The stipulations are still the same way they were four and a half years ago. The applicant would be bound by the Escrow Agreement to complete the public requirements as required under this plan. When Mr. Fretz did build he would do something less than fifty percent of the twenty one thousand footprint which has been approved for the site. The applicant would commit to the public improvements today based on a twenty one thousand square foot footprint and within the next five years when the situation was right. When Mr. Fretz built his building it would be something less than fifty percent of the total approved plan.

Supervisor Fox said you have a building of twenty one thousand feet on the plan. Mr. Fretz has no intention of building at this time. Mr. Fretz would have to submit a plan. The plan right now has a building on it therefore, that plan has to be honored with that building on it unless another plan comes through showing no building on the property. Your talking about a building that won't be there, but yet the plan will be registered.

Mr. Wynn said the plan shows a footprint for a building which is twenty one thousand square feet which indicated probably he wouldn't build a building that big but in the future would construct a building within that footprint as shown within that twenty one thousand square foot footprint. The storm water management is based on a twenty one thousand square foot building

being placed there. If something less is there it would mean the pipes and basin are oversized. What the applicant would be proposing would be within the confines of the building footprint shown. Whether or not the Board of Supervisor's think it is necessary to revise the plan to exactly the size of the building, he intends to build, or reduce the scope of the building and build within that building footprint.

Supervisor Bennington asked Mr. Wynn what if he would come in with a land development plan and want to put a hundred thousand square foot down, he has to conform to all the specifications of a hundred thousand square foot building and he wants to build it less that is his choice but he still has to conform to the larger dense building that he wants to put on the property. Mr. Wynn said all the requirements have been based upon more building than what is really going to be there. Everything is conservatively over designed. The future development has to conform to the plan in that the structure built would be within the building envelope as approved. There doesn't need to be a change to the plan Mr. Steigelman submitted unless he was planning on moving the building somewhere else on the property.

Supervisor Fox said when Mr. Fretz comes in he still has to submit a building permit plan.

Mr. Wynn said street improvements include a little curb and widening it within the Bethlehem Pike right-of-way at the intersection. Storm drainage both along the frontage of the site and also off site down several hundred feet and retention basin and landscaping. No changes since 1989 that would effect this plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to add five years as of November 28, 1994 to the Steigleman/Fretz Land Development Plan.

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

1. The Township has received two bids that are to be opened tonight. The first bid is for bid #94-6 for ID2 Wearing Course, three bids were received, P.K, Moyer, M & M Stone, and Blooming Glen Contractors.

P.K. Moyer - \$32.15 per ton, for a total of \$64,300.
M & M Stone - \$28.25 per ton,
Blooming Glen Contractors - \$25.97 per ton, for a total of \$2,450.00 which includes the 450 ton addendum. Their total is \$63,626.50.

Page 7
Board of Supervisor's Meeting
August 22, 1994

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to accept the bid ID2 Wearing Course from Blooming Glen Contractors at the price of \$25.97 per ton on a per ton basis.

2. The Township received five bids for the used police vehicle. Bid # 94-7 is for the sale of the used police vehicle.

Liberty Motor	\$ 2,569.99
Ted Covington Sales	\$ 2,863.00
James Monahan	\$ 500.00
Carol Dearden	\$ 615.00
Chambers Auto Sales	\$ 2,796.91 and \$2,979.00

There was confusion over the bid received from Chambers Auto Sales. The bid will be awarded to the highest responsible bidder.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to accept the bid of \$2,979.00 from Chambers Auto Sales if they are the high bid, or \$2,863.00 from Ted Covington Sales.

Mr. Horrocks presented seven escrow releases for the Board's approval this evening:

BFI	Voucher #20	\$ 457.83
Country Roads/ Phase I	Voucher #31	\$ 375.40
Deerfield Suddivision	Voucher #4A	\$ 196.55
Hager Subdivision	Voucher #12	\$ 393.68
Pleasants Meadows/ Phase III	Voucher #39	\$ 1,242.74
Telvil Corporation	Voucher #9	\$ 639.06
Telvil Corporation	Voucher #10	\$71,788.50

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to authorize the release of the above named authorization vouchers including one cash voucher for Deerfield Subdivision.

3. The Water and Sewer Authority is asking the Board of Supervisor's to review the PWTA Allocation Agreement that goes out over a three year time frame. The Hilltown Township Water and Sewer Authority are in agreement, and they will be signing the agreement but they first wanted to get the township's review. Mr. Horrocks is requesting verbal confirmation from the Board of Supervisors on whether the Board is in support of the agreement or opposed to the agreement.

Page 8
Board of Supervisor's Meeting
August 22, 1994

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously for Hilltown Township Water and Sewer Authority to sign the PWTB Allocation Agreement.

4. Mr. Horrocks requested the adoption of Resolution #94-27 dealing with tax certification. The tax collector, Ms. Alice Kachline, came in a few meetings ago and discussed this with the Board of Supervisor's. The Solicitor's office has reviewed this. Other municipalities have been doing this for tax certification. The cost will be \$10.00 for the first year and \$5.00 for each tax year certification after that.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to adopt Resolution #94-27 for tax certification as stated above.

5. A few months ago Mr. Horrocks brought some potential changes to the Berkheimer Contract on earned income tax collection to the Board of Supervisor's. The Township pays 2.9 percent in commission. Back in January, Berkheimer offered to all eight municipalities plus the school district two options. (a) A three year contract at 2.55 percent commission (b) The other contract is based on a ten year commitment in which the base amount is established and any increase in earned income tax collected over the base amount would be collected at a reduced commission rate. Mr. Horrocks said we have averaged approximately seven percent increase yearly in the EIT. If you take the increase and assume the 2.55 percent remains over a three year contract the total savings if you went to a ten year contract the savings would be \$39,800.00. Mr. Horrocks recommends that the Township accepts the ten year contract because of the savings. At the very least he recommends the three year contract because it is a lesser commission rate than the Township is currently paying.

Supervisor Bennington said the four points Solicitor Rice raised in his letter he agrees with. You are telling me that the contract you want the Board of Supervisor's to sign doesn't have the changes he recommended. The changes should be part of that contract.

Mr. Horrocks said this contract has come from Central Bucks County. Berkheimer offered to the Central Bucks School District and Municipalities this ten year option. Just about everyone accepted it. It came to the Upper Bucks Consortium in January, 1994 and many people showed interest in it.

Supervisor Bennington asked if anyone asked Berkheimer about the changes. Mr. Horrocks advised that both contracts three and ten years say if the EIT is done away with the contract is no and void.

Page 9
Board of Supervisor's Meeting
August 22, 1994

Solicitor Rice said he feels that the statement was too broad. The act includes taxes other than EIT Taxes. He thought if there was something that was passed that affected the Earned Income Tax provisions of the Local Tax Enabling Act only then there would be an escape clause. The way it was written there could be some other amendment to the Local Tax Enabling Act that affected Occupation Taxes or some other tax other than the EIT Tax.

Supervisor Bennington advised Solicitor Rice if he thought the four points were that important, and we all agreed that they were important, why no one took it forth to Berkheimer. Solicitor Rice said he had three comments as stated in his letter. The other one has to do with the rules and regulation and a contingency in the event of a termination. If you have a problem with a contract, and the contract is terminated and it is not specified how you will be getting those records back. This should be done in some computerized form according to Solicitor Rice. It should be done in a form that is specified in the contract. You can do two things. Solicitor Rice said someone should contact Berkheimer or the Board of Supervisor's can approve this contract contingent upon the provisions being included. We are talking about three changes.

Solicitor Rice was under the impression Mr. John Cornell of East Rockhill Township was going to be talking to Berkheimer concerning the comments in his letter. Mr. Horrocks will speak to Mr. Cornell and then to Berkheimer. He will have a response for the Board of Supervisor's at the Worksession scheduled for September 12, 1994.

6. The Township has received a letter from the Telford Borough Authority dealing with the installation of sewers for the Central Hickory Oak Street area. Mr. Horrocks is seeking the Board's authorization to have Mr. Wynn's office review the final plan and have the Solicitor get involved with the easements and legal descriptions. Mr. Wynn said it is getting even more complicated because the developers in the Bridal Run Subdivision started last week in the process of completing the improvements which include a concrete apron, sidewalks and paving which is proposed by this plan to be torn back up as early as November. Mr. Wynn will try to get together with the developer because he is responsible for getting these improvements done before the end of the year. Mr. Horrocks is asking the Board of Supervisor's to authorize the engineer's office to come up with final cost estimates and also to have the Solicitor's Office prepare easements and construction agreements if necessary and also to prepare an agreement with the PBA on the financing of the project.

Page 10
Board of Supervisor's Meeting
August 22, 1994

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to authorize the engineer's office to come up with a final cost estimate and the Solicitor's office to provide for easement agreements, construction agreements, and an agreement with the PBA .

7. After the meeting Mr. Horrocks had a series of five grant extensions for the Blitz State Grant for signatures.

8. Mr. Horrocks said about two months ago a discussion on Bills
Page 10
Board of Supervisor's Meeting
August 22, 1994

List, took place on whether or not the bills should be paid prior to the approval of the bill. Mr. Horrocks asked if the Board cares to make a motion or change the procedure. The only other suggestion Mr. Horrocks has is at both meetings every month bills list could come prior to the check being mailed. Then the Tuesday morning following the meeting the checks would be mailed. According to Mr. Horrocks this process could put us in a risk of losing a two percent discount. Mr. Horrocks said the current procedure was done by a motion and should be changed by a motion.

Supervisor Fox asked how many days do we get to pay a bill. Mr. Horrocks replied anywhere from ten to thirty days. Mr. Horrocks continued to say the two percent discount usually only covers the first ten days following the date of invoice. Supervisor Fox thinks its good business practice to approve the bills before they are paid. Mr. Horrocks said if it is something that is in the budget approved, or it is something that a requisition has already been signed for, and a purchase order has been sent to the vendor, in essence a contract has been issued with that particular vendor.

Supervisor Fox said it is poor business practice to bring the bills to the Board of Supervisor's to vote on, when the bills have already been paid.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to review the bills prior to them being paid.

G. CORRESPONDENCE - Mr. Bruce Horrocks, Township Manager -

1. The Township has received a letter from Mr. Grant Murray, the Projects Manager, for Sequa Corp. Sequa is the company dealing with the Dublin ground water contamination. Mr. Horrocks is currently in the process of getting a meeting together with Mr. Murray and Mr. David Byro, the EPA Projector Manager in charge of

this situation. Mr. Horrocks will then be able to get the questions answered that were previously concerning the Board of Supervisor's on whether water would be supplied to those three homes on Rickert Road as well as the three homes on Quarry Road.

2. The Township has received a notification letter from Mr. Jerimia Cardimone. Apparently its an application transfer of water allocation permit from the present County of Bucks to North Wales Water Authority in North Penn. Mr. Horrocks said this water is coming over from the pump. Mr. Wynn said it is probably required in the acts by DER rules that the township receive some sort of notice. A portion of Hilltown is served by North Penn Water Authority.

3. Mr. Horrocks noted the Pennridge Chamber of Commerce is holding a legislative forum on Tuesday, September 13, 1994 at 7:30 PM.

4. The state has now forced all municipalities to mandatorily abide by the Sterling Act. The township has received notice from the Department of Revenue that if there are any Philadelphia residents working in the township a wage tax must be taken out and returned to the city of Philadelphia.

H. LINENS FOR SIGNATURE -

- 1. Derstine Subdivision
- 2. Virnelson Subdivision
- 3. Wisler Subdivision

I. SOLICITOR'S REPORT - Mr. John Rice, Township Solicitor -

1. Solicitor Rice presented the Wisler Cash Escrow Agreement in a check for the amount of \$1,466.00 made payable to Hilltown Township to establish the escrow account relating to the Wisler land development. The agreement is the standard eighteen month agreement which guarantees the maintenance of the public improvements, is here for the Board's signature tonight. Solicitor Rice is seeking approval of the Cash Escrow Agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Escrow Account for public improvements for the Wisler Subdivision.

2. Solicitor Rice presented Resolution #94-28 for the Board's review. This Resolution is an acceptance of Declaration of Easement, relating to the Wisler Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #94-28 for the Wisler Subdivision as a Declaration of Easement for road frontage.

2099

Page 12
Board of Supervisor's Meeting
August 22, 1994

3. Solicitor Rice presented Resolution #94-29 for the Board's review. Mr. Wynn noted it was a property transfer of parcel ground from Adamietz to Przyuski which didn't involve any new lots. One of the conditions was the Adamietz needed to transfer the right of way at the corner to the Township. The rest of the right of way on the parcel was previously dedicated to the township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #94-29 for a Declaration of Easement for the Adamietz property.

Supervisor Bennington spoke about a problem with health safety and welfare for the residents of Hilltown Township. A gas line extends from Silverdale Borough located at Route 113 and Route 152. The line runs all the way down Route 152 into Perkasio. Over the past fifteen years, while Supervisor Bennington has lived at his present address he has been smelling gas from time to time. He called the UGI Corporation to come out and investigate. Probs have been done and UGI indicated there were small pin hole leaks and they did some packing of the piping. Supervisor Bennington understands after talking to the Silverdale Fire Chief that the pipe itself is about forty to fifty years old. Over the last six months the residents of this area which is a very highly developed area including Stony Crest, Orchard Station, Tice Lane, Sterling Knoll, Pleasant Meadows and a few others. The smell of gas has gotten more prevalent and often more timely. Anytime that the humidity and temperature controls the smell it is extremely bad. UGI has been contacted and has no intention of replacing the line. Since the line is forty to fifty years old the Silverdale Fire Chief has indicated he is concerned about an explosion in that area and has threatened at times to cut the road off from all traffic to save possible future calamity. Supervisor Bennington said as you know in Edison, NJ an apartment building went up because a forty to fifty year old gas line ruptured and luckily no one lost their lives, but the entire apartment complex was completely demolished. Supervisor Bennington is recommending to the Board of Supervisor's for the health, safety, and welfare of the residents of the township that they ask the Township Manager to contact UGI Corporation and find out exactly what they intend to do in this area to protect the residents of Hilltown Township, Silverdale Bourough, and Perkasio Borough as well as to contact the Public Utilities Commission and the DER to find out what can and should be done to protect our residents.

The Board of Supervisor's recommended that the Township Manager contact UGI, Public Utilites Commission, and Der as stated above.

Page 13
Board of Supervisor's Meeting
August 22, 1994

The Emergency Management Coordinator should also contact Chief Bill Steinrock and inquire on the status. Mr. Horrocks will report back to the Board at the next worksession scheduled for September 12, 1994.

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

1. Rumer Subdivision) Final - This is a preliminary plan of a three lot subdivision at the corner of Keystone and Mill Road. A former lot of the Hawkrige Subdivision is being re-subdivided. The property is serviced by sewer disposal and public water from the North Penn Water Authority. There are no proposed road improvements. Improvements including cartway widening and street trees were completed during the Hawkrige Subdivision. However, there still is storm water management purposes that include retention basin along the front of the site which is to be contained in an easement on Lot #2 and Lot #3 as well as a construction of a new ditch along Mill Road and drive way trench free. The plan had previously received preliminary approval by the Board of Supervisor's and is now before you as the final plan recommended unanimously by the Planning Commission subject to the following three conditions. Final approval from North Penn Water Authority indicating paying the fees for the water line connection for the frontage Lot #1 to along the frontage of Lot #3. An execution of an Escrow Agreement can guarantee the installation of a retention basin and driveway and swale and execution of a sump line. The retention basin containing an easement is also an easement for lot #1 sump pump.

Supervisor Fox said the only problem that he had that existed was the swale for the water that was running across the road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to adopt the final Rumer Subdivision plan with the conditions as specified.

2. Gro-N-Sell Subdivision (Final) - The Gro-N-Sell Subdivision plan is the same as the former Gro-N- Sell land development plan which had been denied by the Board of Supervisor's and is still under appeal. This subdivision plan proposes four lots on the approximately twenty acre site. The four lots range from between four and a half acres to five acres. The plan was previously before the Board of Supervisor's for preliminary plan approval. The Gro-N-Sell Subdivision is now before the Board of Supervisor's for final plan approval. The plan proposes an on site sewer and water disposal with some swale improvements along Callowhill Road and a small extension to the existing thirty inch culvert. The plan also includes landscaping which was recommended as an alternate plan by the Planning Commission. Bufferings were

Page 14
Board of Supervisor's Meeting
August 22, 1994

placed along the sides of the driveways adjacent to an existing dwelling as an out parcel. This plan was unanimously recommended for approval by the Planning Commission subject to a number of items. The acceptance of an alternate landscaping plan. The approval of Callowhill Road by PennDOT. The property pins and monuments being installed as shown on the plan. Planning Module approval by DER. Execution of the Escrow Agreement with Hilltown Township to guarantee the public improvements. The withdrawal of the Gro-N-Sell Land Development Plan appeal.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to adopt the final plan for Gro-N-Sell Subdivision with the conditions as specified.

Mr. Wynn said the Olesky Land Development expires on September 18, 1994. The Planning Commission recommended denial of the Preliminary Plan based on non-compliance with various zoning and subdivision ordinance requirements as well as non-compliance with the Zoning Hearing Board's decision as noted in the engineering

Page 14
Board of Supervisor's Meeting
August 22, 1994

review letter dated June 29, 1994 and Bucks County Planning Commission review letter dated July 21, 1994. If an extension is not received by the first week in September the Board of Supervisor's will need to take action on the Olesky Subdivision. Mr. Heatherington indicated that an extension would be granted.

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

1. Finkelstein Subdivision - This plan was a denial recommended by the Planning Commission subject to receipt of an extension which was received. No action needs to be taken on this plan on Orchard Road.

L. RESIDENT'S COMMENTS: Mr. Pat Matthews just moved into the area with his sister and purchased a home located at 535 Route 113 next to Holly Farms Kennels. Mr. Matthews said he scraped together what money they could to move up here. He handed a letter explaining the situation to the secretary. Unfortunately, he didn't notice it, but two houses down is a kennel. The weekend after he moved in he found out that the kennel is in his backyard. According to Mr. Matthews the current owner of Holly Farms Kennel has eighty dogs barking at one time. Mr. Matthews said he was awoken at 6:00am in the morning. The owner said the dogs can make noise as much as they want to from 6:00am until 6:00pm and there is nothing Mr. Matthews can do about it. Mr. Matthews said the noise is phenomenal, his nieces and nephews were up for the weekend and the noise scared the children to death. This morning Mr.

Page 15
Board of Supervisor's Meeting
August 22, 1994

Matthews had to set the volume up to seven on his radio with all the windows in his house closed and could still hear the dogs barking. You can't believe how loud these dogs are and they are right in his back yard. He called the Zoning Officer and was told to sue the real estate agent. He doesn't want to sue anybody. All he is asking for is to have some peace in his own house. He can't even read the newspaper.

Mr. Horrocks asked Mr. Matthews if the Zoning Officer told him to sue the real estate agent. Mr. Matthews replied that is correct. Mr. Horrocks said he would take care of that, this will never be said to another resident.

Mr. Matthews said the real estate agent notified him and told him that the owner of Holly Kennels should not be allowed to do this according to the zoning rules in pulse or sound which states no sound shall be permitted for duration of more than five seconds or more than two incidents within a twenty four hour period which is above the level of 110 DBA and any real property boundry upon which the source or sound is located. Mr. Matthews said the owner of the kennel told him if he wanted to stop the noise he could buy the kennel for \$1.6 million and if he didn't have that kind of money he didn't want to talk to him. Mr. Matthews does not have that kind of money but according to this ordinance, he thinks he should have a right to peace too, because the ordinance says no noise disturbance shall be created or allowed to continue by any person firm partnership or corporation. The Ordinance doesn't say he can make noise if he has \$1.6 million. It was a dream that has now turned into a nightmare because of one man. He doesn't want to bring his other neighbors into this because they do not want to come before the Board. Somebody said the owner was an Official in the Township and they were afraid of him. Another neighbor sleeps in the basement in the front of his house in order to have peace in the morning. He does not see how people can do this to other people and do it legally. Maybe he can and maybe I'm beat. I just don't know. Mr. Matthews said he needs somebody's help. My God, please help me.

Chairman Bennett said he has been on the Board of Supervisor's for Hilltown Township for seven years, and surprised because he has never heard a complaint about this before. Chairman Bennett said He knows where you speak of, are you sure there are eighty dogs back there.

Mr. Matthews replied this is what the owner said to him on the phone.

Mr. Fox asked Mr. Matthews how long have you been on this property. Mr. Matthews replied since June 27, 1994. When you bought the property you didn't walk around your property. Mr. Matthew said

Page 16
Board of Supervisor's Meeting
August 22, 1994

he was up on the property four times and never heard a noise from the kennel. Were you up in the daytime or evening hours. Mr. Matthew's said he was up in the daytime. Mr. Fox said he happens to know the property and it existed before zoning when animals were kept on the property. It goes back before 1959. As Chairman Bennett has said the township has never received a complaint. The kennel has been there and we can't get rid of the kennel even if all of us voted to do this by law. What do you expect this man to do. He has been at that residence and followed every rule. He brings his dogs in at night. Mr. Matthews said he filed a complaint with the Zoning Officer and the other day he received a copy of the complaint in the mail. He assumes Mr. Joel Ward received a copy the same day. He left two dogs out all night. Mr. Matthews guesses that was to give him a message.

Mr. Fox said what do you expect us to do. You have a man with a legitimate business on more than twenty acres of ground. Mr. Matthews said A6 Kennel of the Zoning Ordinance which states where adjoining existing residential uses, buffering shall be provided. Provisions shall be made for the control of noise and odor.

Mr. Fox asked again what do you expect the man to do. Mr. Matthews replied buffer the noise. Mr. Fox then asked how. Does he have a fence up. Mr. Matthews replied yes.

Chairman Bennett said the kennel sits quite a way back from the road as he recalls. Mr. Matthews said it looks like their is a new addition on there. All he wants is peace, he doesn't want a fight, or an argument. He doesn't want to sue anyone. If he could work something out with Mr. Ward, he would. He tried a phone call. Mr. Ward was arrogant. As far as Mr. Ward was concerned he was a millionaire, and he was nothing and he had to put up with the noise. The man was not nice to him. Maybe he is nice to you Mr. Fox, I don't know. Everyone else has been real pleasant. I do not know what the Township can do. I don't even know if I'm presenting myself right, but all I know is I need some kind of help. Chairman Bennett said your presenting yourself fine, we've got the message. The question is what we can do about it. Supervisor Fox said you went and bought the place less than two months ago and Mr. Ward has complied with every rule and we have never received a complaint. I think the Township should check and make sure that the dogs come in at night. My back yard is directly in line with the outside kennels. Supervisor Fox asked how many feet the kennels were from Mr. Matthews property line. Mr. Matthews didn't know.

Solicitor Rice commented that Supervisor Fox was correct. According to Solicitor Rice, Supervisor Fox has been living in the Township a lot longer than I have been familiar with the Township. I'm assuming the kennel has been at that location before zoning.

Page 17
Board of Supervisor's Meeting
August 22, 1994

Whatever was there before zoning is going to be frozen and protected. Whether there has been any new additions or new activities added on there is something I don't know. I think Mr. Matthews is referring to the noise provisions in the Zoning Ordinance. To a certain extent probably some of the noise is non-conforming. I really don't have any suggestion as to how to measure whether the noise has increased over time or not. The noise provisions are in the Zoning Ordinance and again Mr. Ward has been there for some period of time and he would be non-conforming as to the noise and non-conforming as to use.

Supervisor Fox will talk to Mr. Ward to be sure there will be no dogs out at night. Mr. Matthews said Mr. Ward told him he works 365 days a year. Christmas Day he will be hearing the dogs barking. Chairman Bennett said dogs have to be fed every day. Supervisor Fox told Mr. Matthews the Board of Supervisor's will do their best.

Supervisor Bennington commented on a statement Mr. Matthews made claiming the owner was an Official of the Township. Supervisor Bennington said he doesn't care whether the owner is an Official of the Township or not, because if he is breaking the law, he is breaking the law, so irregardless of that he has no special preferential treatment because he's an Official of this Township.

M. SUPERVISOR'S COMMENTS: Chairman Bennett said he received a couple of calls from people concerning legislation, particularly having something to do with the recent sexual case and murder of Megan Kanka in New Jersey. This past weekend their seemed to be a move at both Federal and State level to notify people if molesters move into the neighborhood. Supervisor Bennington said the amendment is part of the crime bill that the House passed last night. Chairman Bennett said he hasn't seen the final version of it.

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

O. ADJOURNMENT: Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously the August 22, 1994 Board of Supervisors Public Meeting was adjourned at 9:57PM.

Respectfully submitted,
Barbara L. Hefner
Barbara L. Hefner
Administrative Secretary

ROBERT WYNN ASSOCIATES, INC.Consulting Engineering
111 West Broad Street
Quakertown, PA 18951(215) 536-7547
(215) 536-7336

Memo To: Hilltown Township
From: C. Robert Wynn Associates, Inc.
Subject: Escrow Release Summary
Date: August 19, 1994

1. BFI - Authorization Voucher No. 30, dated August 18, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$457.83 for construction observation/escrow administration for the period from 4/1/94 thru 7/31/94.
2. Country Roads Phase I - Authorization Voucher No. 31, dated August 2, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$375.40 for construction observation/escrow administration for the period from 7/1/94 thru 7/31/94.
3. Deerfield Subdivision - Authorization Voucher No. 43, dated August 10, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$196.55 for construction observation/escrow administration for the period from 5/1/94 thru 7/31/94.
4. Hager Subdivision - Authorization Voucher No. 12, dated August 18, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$393.68 for construction observation/escrow administration for the period from 3/1/94 thru 7/31/94.
5. Pleasant Meadows Phase III - Authorization Voucher No. 39, dated August 2, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$1,242.74 for construction observation/escrow administration for the period from 7/1/94 thru 7/31/94.
6. Telvil Corporation - Authorization Voucher No. 9, dated August 2, 1994, payable to C. Robert Wynn Associates, Inc., in the amount of \$639.06 for construction observation/escrow administration for the period from 7/1/94 thru 7/31/94.
7. Telvil Corporation - Authorization Voucher No. 10, dated August 15, 1994, payable to Telvil Corporation, in the amount of \$71,788.50 for E&S, basin, storm sewer, etc.