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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULAR SCHEDULED PUBLIC MEETING
MONDAY, JULY 25, 1994
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:40PM 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
Barbara L. Hefner, Administrative Secretary

Chairman Bennett announced the Supervisors and Township Manager met in Executive Session prior to this meeting to discuss legal matters.

A. APPROVAL OF MINUTES: Action on the minutes of the June 13, 1994 Board of Supervisors Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 13, 1994 Board of Supervisors as written.

Action on the minutes of June 27, 1994 Board of Supervisors Meeting: Supervisor Fox noted the following corrections: page 11, third paragraph down; "for fees if they take no land or homes made by developers" should read "**for fees if they take no land from developers**".

Page 11, last paragraph down; 2nd line; "access fees and negotiating fees" should read "access **land** and negotiating fees". Added at end of same paragraph; Other municipalities "**negotiate with developers that the township make take land, negotiate fees or a combination of both**".

Supervisor Bennington noted on page 5, third paragraph, when we talked about the Proposed Parks and Recreation Ordinance; should be added "**Supervisor Bennington asked if the Board could legislate immoral acts. Mr. Bennington said his opinion of an immoral act may be different than someone else's. Any immoral act won't come before the Board of Supervisors as much as its going to be addressed first by a police officer investigating the situation which would be considered immoral by the Pennsylvania Crimes Code.**"

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of June 27, 1994 Board of Supervisors Meeting as corrected.

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Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of July 11, 1994 Board of Supervisors Worksession as written.

B. APPROVAL OF CURRENT BILLING:

Bills List dated July 11, 1994, for a General Fund total of \$38,976.00; A State Highway Fund total of \$4,742.00; and an Escrow Fund total \$22,749.00; for a grand total of \$66,469.55.

A discussion took place over Pennridge Waste Water Treatment regarding the bill for the holding tank.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated July 11, 1994 subject to audit.

Bills List dated July 20, 1994, for a General Fund total of \$5,857.00; A State Highway Fund total of \$38,699.00; for a grand total of \$44,556.57.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated July 20, 1994 subject to audit.

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

Mr. Horrocks presented the Treasurer's Report with the following balances, as of July 25, 1994:

General Fund Checking Account	\$152,171.22
Payroll Checking Account	\$ 266.36
Fire Fund Checking Account	\$ 74,618.91
Debt Service Checking Account	\$130,839.20
State Highway Aid Checking Account	\$ 92,410.07
Escrow Fund Checking Account	\$133,322.00

Mr. Horrocks noted at the August Worksession he would have a six month review on the budget and how the Township stands with identified revenues and expenditures.

Motion was made by Supervisor Fox, and seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated July 25, 1994.

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

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

1. Mr. Horrocks asked the Board of Supervisors for authorization to adopt Resolution (94-24) dealing with the Township and Hilltown Township Water and Sewer Authority. The Resolution gives a definition of how the Authority was established and what they were established to do. Then it moves forward to further define responsibilities between the township and the authority and the township's desire to improve communications with the authority. The Resolution is affirming the authority's ability to maintain the water and sewer systems. The Resolution also involves the Supervisors in future agreements between the authority and other municipalities. The Supervisors are requesting an Authority Board Member to be present at the Supervisor's Worksession to give a report as other department heads do.

Motion was made by Supervisor Bennington, and seconded by Supervisor Fox, and carried unanimously to adopt Resolution 94-24 as stated above by the Township Manager, Mr. Bruce Horrocks.

2. Mr. Horrocks requested the adoption of Resolution 94-25 establishing soliciting permit fees. The Resolution deals with the soliciting of permit fees that go along with the new Transient Retail Business Ordinance that was adopted June 27, 1994. The fees are not changing the permit license fee that has been \$25.00. This Resolution will continue the fee and in addition will charge a \$5.00 fee for each ID badge which the Ordinance requires.

Motion was made by Supervisor Bennington, and seconded by Supervisor Fox, and carried unanimously to adopt Resolution 94-25 establishing Soliciting Permit Fees as stated above.

3. At the last Board of Supervisors Worksession Mr. Horrocks was directed to contact EPA and Dublin concerning Dublin Borough's possibility of selling water to residents on Rickert Road. When Mr. Horrocks contacted David Byro, the project manager for the remedial section of EPA, he stated that there were three homes on Rickert Road not seven, that have a contaminated level. There are also five homes on Quarry Road. A total of eight homes in all. All these levels are below their maximum contaminated level but are traceable enough so that EPA would like to supply them water, if they are willing to take the water. Mr. Horrocks has not contacted the residents yet. He believes the customers know their wells are being monitored, but Mr. Horrocks doesn't know if they are aware of the results of the monitoring. All eight homes are well below MCL which is five parts per billion at this time.

Chairman Bennett spoke to one of the residents who said they have no problem with contamination and neither does their neighbor.

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Supervisor Fox asked Mr. Horrocks to contact EPA to see if they would run the lines down Quarry Road for those houses or would they just do Rickert Road.

Mr. Horrocks replied Mr. Byro said the remedial center would supply public water to any affected home at no cost to the home owner. He has not spoken to Dublin other than to tell them he was going to contact EPA. The only resident Mr. Horrocks spoke to was not concerned about the contamination and did not want to pay the quarterly user fees for public water. Mr. Horrocks is not sure if EPA is paying for the installation of public water or if they are going back to the original companies of contamination and charging them for it. EPA is overseeing the installation of public water to the affected homes.

Supervisor Fox said if we have a number of people that don't want to connect to public water then it becomes cost prohibited to buy water for a couple of people. We have an Ordinance not to force people to connect to public water except in a development. The Board of Supervisors advised Mr. Horrocks to contact the manager of Dublin Borough and EPA to get a better background on connecting to public water.

4. Mr. Horrocks said there has been an appeal to Common Pleas Court by Carson Services Inc. dealing with the Zoning Hearing Board's decision and he would like the Board of Supervisors to authorize the Solicitor's Office to defend the decision.

Motion was made by Supervisor Fox, and seconded by Supervisor Bennington, and carried unanimously to authorize the Solicitor to join the Zoning Hearing Board's Appeal against Carson's Helicopters.

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

1. The Township has received the Comprehensive Annual Financial Report for Bucks County year ending 1993. The report is on file in the Hilltown Township building.

G. SOLICITOR'S REPORT - Mr. Frank Grabowski, Township Solicitor -

1. Mr. Grabowski presented Resolution #94-26 for the Board's review. Mr. Wynn's office and Mr. Grabowski's office have gone through some of the subdivision files and Mr. Grabowski said it is appropriate to bring to the board a Resolution which would officially accept for dedication and recording purposes several subdivisions within the township. The Resolution is to accept the following streets and declare a public purpose for which you are accepting them. Spring Hill Lane which is within the Cerfelli Page

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Subdivision, Loni Court and Rosie Lane which is within the Hawkridge Subdivision, Road widening of Walnut Street within Society Meadows Subdivision, Diamond Street, road widening within the Hickory Hamlet Phase II Subdivision, Long View Road within the Long View Estate Subdivision. These are for PennDOT eligibility for dedication and to receive the tax reassessment to the Bucks County Assessment Office. The authorization of the recording of the Resolution and the Deeds of Dedication for all the various roads are being hereby authorized.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #94-26 to accept the streets as mentioned by the Solicitor, Mr. Grabowski for dedication.

2. Mr. Grabowski said there has been a decision by the Pennsylvania Commonwealth Court in the zoning case of Robert and Beverly Jones. A copy of the decision which is approximately seven pages long says the Commonwealth Court has upheld the position of the Township in the matter. The date of the decision is July 15, 1994 signed by Judge Joseph Doyle who presided over the matter along with Judge Collins and Judge Delaporta. Copies will be available at the Township Building. As a result of this decision the township sent the zoning officials to the property to see if there was any on going activity. Mr. Grabowski believes there is on going activity at the site and this was a matter discussed by the Board of Supervisors previously as to whether the Board wishes to take any further action. Several months ago the Board was of the opinion it would not take any action for several reasons, one of which was to wait for a decision from the Commonwealth Court. Mr. Grabowski has a petition in the file in case the Board decides to authorize the filing of the petition back to the Court of Common Pleas to request the Judge to stop the activity that has been decided by the Commonwealth Court to be invalid and illegal under the Zoning Ordinance.

Supervisor Bennington asked Mr. Grabowski if he went to the Court of Common Pleas would this action start the fine process up as of the day the Declaration was made.

Mr. Grabowski replied that we can attempt to start the fine process, but the law is not very clear whether or not we can. We can also ask for legal fees as well. The applicant does have the right to file a Rite with the Pennsylvania Supreme Court to ask the Supreme Court to hear his case which would have to be based on an error by the Pennsylvania Commonwealth Court. The applicant could also ask Pennsylvania Commonwealth Court to re-hear the case based upon some legal issue. Mr. Otter has approached Mr. Grabowski before and suggested he talk to the Board of Supervisors.

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Chairman Bennett stated the Board of Supervisors was familiar with this case. This case was discussed early this evening in executive session. While no votes were taken during the executive session, before the Board takes any action we will open it up for comments.

Mr. Larry Otter complimented the Solicitor Office's for the excellent comments, briefing and oral presentation to the Commonwealth Court of Common Pleas. Now that we have the judgement in hand there still is some appeal time. Mr. Otter's clients have requested the Board move forward on the petition as soon as practical. Mr. Otter request a vote be taken tonight.

Ms. Jewel Reed said we have talked about this before and the Board advised me to document everything. Later I receive a letter saying I must contain this in a letter and mail it to the Board of Supervisors. The letter has been written but not mailed.

Chairman Bennett asked Mrs. Malishaucki if she had any comments. She replied all her talking was done on the phone.

Supervisor Bennington advised Mrs. Reed that the Board cannot act until the violation is reported by a citizen. Mr. Bennington said you can't legislate human nature.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Solicitor immediately to go before the Court of Common Pleas to take action with fines, legal fees, and injunctions.

Chairman Bennett said the client still has the right of appeal to the Pennsylvania Supreme Court which could further delay it. We are getting closer to a final resolution. Due process is sometimes exceedingly slow and frustrating.

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

1. Miketta Subdivision - The major reason for the delay is the Bucks County Health Department required the existing septic system with the farm in the middle of seventy two acres that had been replaced prior to planning modules approval for the new lot that is proposed on Chalfont Road. Mr. Maketta represented the substantial cost for engineering, design, and construction cost. Mr. Wynn has planning modules for signature by the township. The plan proposes one lot consisting of 1.1 acres to be located on Chalfont Road and the balance of the tractor and existing farm is not proposed for development at this time. A sketch plan for lot #1 a two acre parcel, was presented several months ago. The Planning Commission has given tentative approval. The four conditions of final approval was a note on the plan that provides that in case lot #1 is further developed in the future knowing that

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there are seventy two acres there and it is for sale, that any road improvements that may be required along Chalfont Road by the Township at the time may also be required along the frontage of lot #2 by whoever develops lot #1. If there would be road widening the right of way would be there and the Township can require the developer to improve lot #1. The area in the right of way of Chalfont Road across the frontage of lot #2 is proposed to be dedicated to Hilltown Township. The rest of the frontage along lot #1 is not. This plan was acceptable to the Hilltown Township Planning Commission. Planning modules are suppose to be approved by the Pennsylvania Department of Environmental Resources. The planning modules are here for signature by the Township. The property monuments that are shown in the plan must be installed prior to the plan recommendation. Miketta Subdivision is a relatively simple subdivision that took a long time because of the on site septic system.

Supervisor Fox asked Mr. Wynn if a well had been dug on lot #2. Mr. Wynn replied they needed a well permit in order to do that. The well permit is not required until prior to the building permit.

Supervisor Bennington asked if the applicant was going to have a road on Chalfont. Mr. Wynn responded there were other people at one time named as possible subdivisions of the whole tract.

Supervisor Fox said there had been at least three others in the last ten years trying to subdivide the property.

Supervisor Bennington asked if there wasn't a problem with water on Hilltown Pike. It was pretty bad at one time.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Miketta Subdivision Final Plan with conditions as specified.

2. Hager Subdivision - This lot is a previously approved subdivision plan in which the state of the applicant now wishes to change or alter. Mr. Wynn said this plan was approved a couple of years ago. Improvements that were required included the common drive way. There was a sketch plan that proposed widening of curb along the frontage for a future road for a cul-de-sac street. Once Mr. Hager got involved he decided it would be cost effective for him to put all the improvements in now along Rickert Road which he did. He widened the road, put in curbing and storm drainage. Mr. Hager did more than what was actually proposed on the sketch plan for future development. The only item remaining to be done is some stabilization of the right of way on the undeveloped lot #2. There is a house on lot #1 and the buffer paintings. Mr. Wynn talked to the Board about a month ago concerning the buffer paintings. It is now in the hands of the state. The money is there and Mr. Wynn

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has a letter from the attorney representing the state.

Ms. Strothers was at the Planning Commission Meeting last week and indicated they have a potential buyer for the flag lot. At the time of the Subdivision there was a note attached to the plan that required a further development of this lot. The plan requires a central water system and a provision for both lots to connect to the central water system. (lot #1 and #2) The Planning Commission recommends the Board allow this with some conditions. One of the conditions is that a restricted covenant be filed for lot #3 that alerts any future owner of the requirement, if there is a subdivision of lot #3, a central water system must be built. According to Mr. Wynn Mr. Grabowski reviewed the previously covenant plan and the deed that might of been recorded for lots #1, lot #2, and lot #3 to make sure the Township may delay the water system . The purchase of lot #1 does not require a water system as soon as something occurs. The Planning Commission agrees as long as the Solicitor review the plan and indicate its a legal problem and there's a covenant report.

Mr. Bennington said if something is not said or done its going to be like the street lights in some of those subdivisions when the residents after they moved in said they didn't want the street lights.

Mr. Wynn said in reading paragraph A of the July 20, 1994 correspondence, which states any further subdivision of lot #3 will require construction of a community water system providing tapins for lot #1 and lot #2. It also provides for tapins for all lots created of lot #3. The thing that would trigger the community development would be the subdivision of lot #3.

Mr. Grabowski asked Mr. Wynn if lot #1 and lot #2 were sold prior to lot #3 being subdivided would their be any requirements.

Mr. Wynn replied there is a house on lot #1 that is occupied and lot #2 is vacant. If there is a community system built some time in the future it will be the sole expense of lot #3.

Supervisor Fox said we are getting individuals subdividing large lots and they don't want to do the improvements. The owners are asking that the improvements be delayed.

Supervisor Bennington said we are going to have to be more restrictive on allowing these owners to delay, otherwise these situations are going to develop all the time.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to direct the Solicitor to insure that the restricted covenant is recorded at Bucks County Court House for Lot #3 that covers the other two sub pieces of the three lot Subdivision and reviews. Subdivision plans to confirm the community water system may be delayed as proposed by the applicant.

3. Wisler Subdivision - Chairman Bennett said this subdivision has already been recommended by the Planning Commission subject to six or seven conditions. This two lot subdivision is located on Callowhill Road, just north of South Perkasia Road, at the top of the hill. The applicant needed to replace the septic systems on lot #1. Originally the applicant had proposed to tear down the dwelling that sits in the front yard area but decided to retain the dwelling and have installed the new septic system for lot #1. Lot #2 contains almost eight acres in area and is proposed to have an on site water and sewage. The Planning Commission has recommended an approval of the plan subject to several conditions. The bumper yards shown on the plan are to be installed prior to recording the plan or be guaranteed by an Escrow Agreement. Ms. Wisler has indicated the applicant intends to install the trees on lot #1 and Escrow some trees on lot #2.

The applicant said the right of way along Callowhill Road will be dedicated to Hilltown Township as offered on the plan. Lot #2 proposes a new drive way. The applicant received a penndot permit with one of the conditions of the permit being that a sign be installed at the drive way not allowing left turns into the driveway during evening hours.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Wisler Subdivision as specified with the specific condition as listed above.

4. Virnelson Subdivision - This two lot subdivision is located right across from Green Street in a rural residential zoning district. This plan doesn't propose any additional building lots. Mr. Virnelson owns two parcels, one being the front parcel and the other one the rear parcel. The rear parcel has no frontage and no access to any streets. The applicant is proposing to take what is shown on the plan as lot #2 and consolidate it with the rest of his land in the rear. The new lot will have about six acres of area. Lot #1 shows an existing house and garage. The house is right at Green Street and sits very close to the road. Lot #2 is a building lot. The Planning Commission recommended approval of the plan subject to four conditions. All the trash and debris on the property must be removed from the site before the plan is recorded. The property had a tremendous amount of material located along the edge of the woods. The area within the right of way of Hilltown Pike will be dedicated to Hilltown Township as offered on

the plan. This does not include the area of the house and garage. The front of lot #2 to be consolidated with the remaining lands as shown on the plan to one deed and fortheld property pins and monuments being stole as shown in the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Virnelson Subdivision with the conditions as specified above.

5. Blooming Glen Mennonite Church - This is the final plan of Blooming Glen Mennonite Church. This plan is a proposed building addition to the church which included installation of a parking area and a retention basin. The site is serviced by an individualized water supply and public sewer even though there are some discussions with the Hilltown Authority about connecting to public water. This is not part of this plan it is only a proposal. The conditions of the approval by the Planning Commission are all the conditions at the Preliminary Plan of Approval. One of the conditions required by the Preliminary Plan of Approval was in lieu of the street improvements along Blooming Glen Road in the dedication of the roadway right of way that the township be given an easement on both sides of the road on property owned by the church for future water, sewer, or storm sewer installation along the edge of the road. The storm water retention basin and management should be resolved in Mr. Wynn's office because there are still some unanswered questions. The approval will be received by Bucks County Conservation District for road precipitation control. Hilltown Authority approved the public sewer connection, a lateral to be connected from the proposed addition to the current. There's an Escrow Agreement required for the all the public improvements, which in this case consist of a retention basin, erosion control, and landscaping. The miscellaneous engineering drafting details be completed on the final plans.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Blooming Mennonite Church final land development plan with the specified conditions.

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

1. Pleasant Meadows Box Culvert - The Planning Commission recommended a denial on this unless an extension was received. An extension was received the next day. At the last meeting the Board of Supervisors directed Mr. Wynn to send a letter to Mr. Garrison indicating that the Box Culvert needed to be substantially complete by the end of August. Since that time the road way has been final paved including Hillcrest Road being paved at the entrance. The sidewalk has been installed and been rough graded. They are still waiting for a guard rail to be put in and seeding.

2. Elysian Fields - Mr. Wynn had a meeting in his office and contacted Lisa Ishimuro, of Bucks County Conservation District. They met with Ms. Ishimuro at the site at the end of the following week to go over erosion sedimentation control. Part of the construction area was a relocation of the stream which the army corp of engineers required the stream to have a S bend in it. When you put an S bend in the stream the roads and stream are now straight. Bucks County wants the S bend put back in. Mr. Wynn sent correspondence to property owners that would be impacted by road improvements on Orchard Road. Mr. Wynn's office received phone calls from two of the eleven people. He will continue to follow up on this.

3. BFI - Reliance Road Traffic Light - At the last Supervisor's Meeting Mr. Wynn requested the Boards authorization to notify BFI that if the markings were not back in the road within fifteen days Hilltown Township would do the painting and bill the Escrow to BFI. Mr. Wynn said the letter was sent to BFI and also to the Texas Bank that holds the Escrow. The lines were painted. The maintenance period expires at the end of the year. The lines were first requested to be painted in May, 1994.

Supervisor Bennington asked if there was any further word on Tim Snyder. Mr. Horrocks replied, we had a request from Tim Snyder to annex a parcel from Hilltown Township into Dublin Borough so Dublin Borough could supply Mr. Snyder water and sewer. When Mr. Horrocks talked to Mr. Richard Brosius, Bucks County Board of Assessment, he said someone did that about four or five years ago. Mr. Horrocks spoke to Mr. Snyder suggesting he go to Dublin Borough because if Dublin Borough was going to gain the tax revenue, Dublin Borough should formally request Hilltown Township to annex that parcel and not Mr. Snyder.

Supervisor Fox questioned if it is a wise decision to have people come in and go to a borough and say we want to go into Dublin Borough.

Supervisor Bennington asked Mr. Wynn about the Finklestein Subdivision and the ten acre parcel she was going to give to the Township. Mr. Wynn said the ten acre piece that was offered for a donation to the Township by Mrs. Finklestein is proposed on the plan to be open space for some future development. The lot where the applicant is trying to carve out the existing house on creates an extremely awkward and irregular shape property.

Supervisor Bennington said the ten acre parcel Mrs. Finklestein is going to give the township is really an early piece of the total open space commitment that would be required to contribute to the Township. Mr. Wynn replied we don't know how it necessarily ties

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into the future development at that time.

Supervisor Fox said the Planning Commission would accomplish the wish of Mrs. Finklestein.

I. RESIDENT'S COMMENTS: None

J. SUPERVISOR'S COMMENTS: Supervisor Bennington asked Mr. Horrocks to explain the note to Mr. Donovan. Mr. Horrocks answered Pennridge Wastewater Treatment Authority has now come out with their new revised agreement on Allocation of EDU's. Back in 1975 Hilltown Sewer Authority joined into the PWTA (original agreement). Mr. Horrocks said he was telling the manager of PWTA that he could give the new revised agreement to the Hilltown Township Water and Sewer Authority because PWTA would not do this without a letter from Hilltown Township even though the Township formally did this by a joiner back in 1975.

Mr. Grabowski said when the original proposed allocation agreement came out from PWTA in the name of Hilltown Township and was requested to revoke sewer permits. The Authority said it is impossible for the Township to revoke something they don't issue.

Mr. Horrocks said the Authority was created the same year Hilltown Township joined, but did not join this agreement until another two and a half years later.

Supervisor Bennington said the article in the News Herald on five Supervisors was outstanding. You wouldn't believe how many people have spoken to me commenting there is no way you should have five Supervisors in Hilltown Township. Chairman Bennett agreed with Supervisor Bennington.

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

L. ADJOURNMENT: Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the July 25, 1994 Board of Supervisors meeting was adjourned at 9:05PM.

Respective submitted,
Barbara F. Hefner
Barbara Hefner
Administrative Secretary

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