

1910

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, April 25, 1994
7:30PM**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:32PM 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's Office
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board met in Executive Session prior to this meeting to discuss legal and personnel matters, of which Mr. Horrocks will comment on further during the Manager's Report.

***7:35PM - PUBLIC HEARING - Proposed Sewer Use Ordinance - Setting forth uniform requirements for all users of it's wastewater collection and treatment system in order to effect compliance with all applicable State and Federal laws governing wastewater discharges into the sewer system, including the Clean Water Act and the general pretreatment regulations, and providing penalties for violation of same.**

Chairman Bennett presented the Proposed Sewer Use Ordinance for the Board's review. Solicitor Rice advised the proposed Ordinance was advertised in the April 13, 1994 edition of the Perkasie News Herald. This Ordinance was proposed for adoption by the Hilltown Township Water and Sewer Authority, following recommendation by the Pennridge Wastewater Treatment Authority and the Environmental Protection Agency. This is an updated Ordinance that was previously adopted by the Township and all members of P.W.T.A. in 1989. East Rockhill Township and West Rockhill Township both have this Ordinance up for adoption tomorrow evening. Solicitor Rice explained there is technical information contained in the body of the proposed Ordinance, which provides for an appeal process to the Township Board of Supervisors, and there is also a penalty procedure for any one who exceeds certain limits. Once adopted, the Ordinance could be enforced by Hilltown Township, in conjunction with it's Water and Sewer Authority.

Mr. Wynn noted this Ordinance sets the requirement for pretreatment and provides standards for the effluent, such that the plant itself is not overloaded with industrial pollutants which it can not handle.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #94-2 - Hilltown Township Sewer Use Ordinance, as specified above.**

1911
Page 2
Board of Supervisors
April 25, 1994

The Public Hearing was adjourned and the Board returned to the regularly scheduled Supervisors meeting of April 25, 1994 at 7:40PM.

A. APPROVAL OF MINUTES: Action on the minutes of the March 28, 1994 Supervisors Meeting:

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

Action on the minutes of the April 11, 1994 Student Participation Worksession Meeting:

Supervisor Fox noted that Chairman Bennett is referred to as "Chairman Engle" throughout the entire minutes. Chairman Bennett advised Supervisor Bennington was on a business trip to Australia when the April 11, 1994 meeting took place, therefore, he will abstain from the vote.

Motion was made by Supervisor Fox, and seconded by Chairman Bennett, to approve the minutes of the April 11, 1994 Student Participation Worksession Meeting, as written. Supervisor Bennington abstained from the vote.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented two Bills Lists for the Board's approval this evening. The first is dated March 30, 1994, which contains a grand total of \$20,994.61 of General Fund payments.

Supervisor Fox asked how often Vascar is calibrated and if those units have been used recently. Chief Egly replied required calibration takes place every 60 days and the units are used on a regular basis. Supervisor Fox questioned the bill from Wampole Miller for traffic signal repair, stating that he believed the Township had switched to L. Rice Electric as the vendor. Chairman Bennett replied the bill from Wampole Miller is an old bill, and agreed that the Township did switch to L. Rice Electric for traffic signal maintenance. Supervisor Fox also questioned the bill from Carter Van Dyke for a "map revision". Mr. Horrocks explained that when the Comprehensive Plan was printed again, the transportation map was revised to remove the alternative routes. Supervisor Bennington questioned the bill from Niessen, Dunlap, and Pritchard. Mr. Horrocks believes we are close to paying off that bill, and the Township has not gone over the agreed upon fee.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated March 30, 1994, subject to audit.

1912

Page 3
Board of Supervisors
April 25, 1994

The second Bills List is dated April 14, 1994, and includes \$46,940.94 of General Fund payments and \$11,767.46 of State Highway Aid payments, for a grand total of \$58,708.40.

Since contracting with East Rockhill Township for building inspection services, Supervisor Bennington asked if it is keeping costs to a minimum. Mr. Horrocks replied contracting with East Rockhill Township is definitely saving the Township money.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated April 14, 1994, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager - Mr. Horrocks read the Treasurer's Report with the following balances as of April 22, 1994:

General Fund Checking	\$ 68,938.20
Payroll Checking	\$ 261.30
Fire Fund Checking	\$ 72,520.17
Debt Service Investment Checking	\$ 75,625.63
State Highway Aid Checking	\$194,735.23
Escrow Fund Checking	\$194,096.61

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

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Larry Gruver - Niessen, Dunlap and Pritchard - Mr. Gruver advised the field work of the audit for 1993 was completed on March 8, 1994 and one copy of the report was filed with PennDot by their due date, thereby allowing Hilltown Township to receive their Liquid Fuels monies on a timely basis. However, as indicated by Note #7 concerning the pension funds, it was just last week that final information was received from PMRS.

Mr. Gruver presented the Independent Auditors Report, which speaks of the scope of the audit and also Niessen, Dunlap and Pritchard's opinion regarding the work performed on the financial statements of the Township. Mr. Gruver stated that Hilltown Township keeps it's records on a cash basis of accounting, which means revenues are recorded as cash is received by the Township, and expenses are recorded as disbursements are made. This is a procedure that the Township has been utilizing historically. Many municipalities are still on a cash basis of accounting, likewise many municipalities are gradually converting to what is called the "accrual basis of

accounting". In a government setting, this means that on the revenue side, any revenues such as real estate taxes that can be accurately determined on an annual basis, are accrued with receivables then set up. Correspondingly, on the expenditure side, expenses are recorded and recognized as the bills are received, as opposed to when the cash is paid. Mr. Gruver pointed this out to indicate the basis of accounting that Hilltown Township currently functions under. Chairman Bennett asked if the Township should be considering an accrual system, versus a cash system. As long as the Township has sufficient revenues to continually pay it's bills in a timely manner, Mr. Gruver believes there would not be a material difference between a cash or accrual basis. Should the situation arise, for whatever reason, that the Township does not have sufficient funds, the cash basis then does not give a true picture of the financial condition of the Township. Generally, Mr. Gruver noted there is a bit more work and cost involved in keeping finances on an accrual basis.

The first paragraph of the report indicates that the Township has not maintained a detailed record of fixed assets with costs, therefore accordingly, that is not included in the financials. Mr. Gruver advised this has been a common disclosure in the past. Upon speaking with Mr. Horrocks, Mr. Gruver is aware that the Township is approximately 90% completed with a detailed record of fixed assets. Mr. Gruver assumes that at this time next year, there will be a historical list of assets. Mr. Gruver advised this is not a serious problem, and is very common in many municipalities.

The next paragraph of the report indicates that these financial statements are strictly those of the Township, and do not include the activities of the Hilltown Township Water and Sewer Authority. Mr. Gruver noted that technically, because the Township has guaranteed the debt of the Authority, and because there is some interaction as far as budgets and appointing board members, etc., accounting pronouncements indicate that the activities of the Authority should really be combined and presented with the Township's reporting. This is to show the entity as a whole because of it's interdependency. Mr. Gruver stated the majority of Pennsylvania municipalities do not do that, reporting strictly for the municipality itself, which is what has been done in this case.

The third paragraph states that in Niessen, Dunlap and Pritchard's opinion, except for the effects of those two qualifications concerning fixed assets and the Authority, the financial statements do present fairly, as do the assets, liabilities, and fund equity arising from cash transactions, and the receipts and expenditures made during the year.

1914

Page 5
Board of Supervisors
April 25, 1994

Pages 3 and 4 of the report contain the Statement of Assets, and Liabilities and Fund Balances at the end of the year. Mr. Gruver pointed out the "Fund Balance" section at the bottom of the page for General Fund. There are two items shown - with one called "Designated Fund Balance" in the amount of \$92,679.00 and below that, "Undesignated Fund Balance" which is a deficit figure of \$4,210.00. Those two numbers combined give a total General Fund fund balance of \$88,469.00. Mr. Gruver advised the General Fund had a position at the end of the year, as far as operating funds, of a slight deficit of \$4,210.00. The way that figure was arrived at was that \$92,679.00 represents monies received in 1990 and 1992 from developer contributions, which the Board had earmarked to be used for "road improvements". Therefore, they are shown as a designated fund balance item. The fact, however, that the General Fund only had \$88,000.00 for a fund balance means that the operating portion of the fund balance was in a slight deficit at the end of the year, that being \$4,210.00.

The second column is titled Special Revenue Funds, which is a combination of the State Liquid Fuels, Street Light Fund, Fire Protection Fund, and the Fire Hydrant Fund. Those funds combined, had an ending fund balance of \$148,953.00. Two of the largest funds including State Liquid Fuels had an ending balance of \$65,000.00, and also the Fire Protection Fund had an ending balance of \$75,700.00. The Debt Service Fund had a balance of \$18,700.00 and the Developer/Escrow Fund had a balance of \$87,000.00 at the end of the fiscal year. The Pension Trust Funds total \$2,067,000.00, which consists of the Police Pension Fund in the amount of \$1,607,000.00, and the Non-Uniform Pension Fund in the amount of \$460,000.00. The General Long Term Debt Account Fund does not have a fund balance, per se. Mr. Gruver explained it is simply a memo on the balance sheet to show the bonds and long term debt that are payable. In the case of Hilltown Township, that is the lease/rental obligation to the Authority for the lease of this building. As shown in the report as of December 31, 1993, there was still \$2.2 million dollars of future liability for those payments.

Pages 5 and 6 include the Statement of Revenues Collected, Expenditures Paid, and Changes in Fund Balances. This takes those same fund groups just mentioned, and shows the revenues, expenditures, and other changes that took place during the year. In the General Fund column, the total revenues collected amounted to \$2,046,000.00, and the total expenditures paid amounted to \$2,236,000.00. Therefore, at that point, there was an excess of expenditures in the amount of \$190,000.00. Mr. Gruver explained \$95,000.00 was transferred from the Bond Fund, which was held by the Trustee for the Authority's Bond Issue. When that was applied against the excess expenditures, there was still an amount of excess expenditures of approximately \$95,000.00 for the year.

1915
Page 6
Board of Supervisors
April 25, 1994

Mr. Gruver commented this is what took the operating portion of the General Fund from what it was last year at a fund balance of approximately \$87,000.00, down to a slight deficit this year of approximately \$4,000.00.

The Special Revenue Fund Group had excess revenues of \$34,000.00, the Debt Service Fund had excess revenues of \$7,500.00, the Escrow Fund had excess revenues of \$56,000.00, and the Pension Funds had excess revenues of \$236,000.00.

On pages 7 and 8, listed by major category is a comparison of the budget to actual for the General Fund, the Special Revenue Funds, and for the Debt Service Fund. This is just to show some of the larger variances that took place from the budget that was adopted at the beginning of the year. In the General Fund, total revenues budgeted was in the amount of \$2,077,000.00, and the actual revenues received was in the amount of \$2,045,000.00. Therefore, it was approximately \$31,000.00 below budget on the revenue side for the year for the General Fund. In the expenditures section, expenditures of \$2.2 million dollars were budgeted, yet actual expenditures were \$2.236 million dollars. Therefore, the expenditures exceeded budget by approximately \$42,000.00 in total. The shortage of revenues, coupled with the excess expenditures, was an approximately \$73,000.00 shortfall for the year in the General Fund. The report shows the proceeds coming from the bond trust funds that were held and the change in fund balance, which was indicated previously. Mr. Gruver noted the two biggest variances of the General Fund, noted in the Charges for Services section, was approximately \$96,000.00 below budget, which was primarily all from the areas of building, plumbing, electrical, and use and occupancy permits. In the expenditure section, a large variance is the Park and Recreation expenditures, shown at \$94,000.00 over budget, however Mr. Gruver felt it was important to note that the \$94,000.00 was funded by the transfer of funds out of the bond escrow account. Therefore, in reality, it was funded by the excess funds from the Bond Issue of a few years ago.

In the Special Revenue Fund category, the only major variances in the expenditures included those for Public Safety where there was approximately \$72,000.00 less spent than what was budgeted. There was \$52,000.00 in the Fire Contingency Fund which was not spent and approximately \$21,000.00 in Fire Contributions which were not made during the year.

The Notes to the Financial Statements contain several pages which are basically descriptions of the accounting policies used, and explains what some of the various funds are used for. Mr. Gruver advised that Note #5 on Page 13 is a discussion concerning the lease/rental obligation with the Authority. The lease/rental payments for the \$2.2 million dollars previously shown on the

1916

Page 7
Board of Supervisors
April 25, 1994

balance sheet, are laid out for the years 1994 through 2015, and the corresponding interest for that same time frame is also noted. The last paragraph of Note #5 indicates that at December 31, 1993, there was still approximately \$154,000.00 of funds remaining in the bond trust account that the Township has available for future capital expenditures. Of course, Mr. Gruver noted, that number will go up with any earnings within that trust account.

Note #7, which begins on page 14, is the required disclosures on the Police Pension Plan and the Non-Uniform Pension Plan, which are rather lengthy and are similar to what was reported last year. The disclosures are required to give the readers of the financials an idea and understanding of the plans, and how they are proceeding, funding-wise.

On pages 14 and 15, there is a brief description of the various benefits for each of the plans, the covered payrolls for the year, and the normal retirement dates. Mr. Gruver noted that on page 18, there is a summary, by individual plan, of the assets of the plan at the beginning of the year, and what is called the "Pension Benefit Obligation". The last actuarial evaluation, as indicated, was done January 1, 1993, at the beginning of the fiscal year as required by State law. The disclosure shown for Pension Benefit Obligation is a disclosure required of municipalities, and the term "Pension Benefit Obligation" refers to the present value of the estimated benefits which have been earned to this point in time by the various participants in the plan. Theoretically, if the Police Pension Plan had closed at January 1, 1993, \$1,264,000.00 would have been required to purchase insurance contracts which would meet the benefits earned at that point. The assets available in the plan were \$1,422,000.00, therefore very favorably, the assets exceeded the pension obligation as of January 1, 1993, by \$158,000.00. Mr. Gruver advised that is very good sign, because many municipalities are marginal or even under-funded when it comes to pension plans. As indicated in the second column for the Non-Uniform Pension Plan, there is a total pension benefit obligation of approximately \$290,000.00. In this case, assets available were in the amount of \$409,000.00, thereby an excess of assets in the amount of \$120,000.00.

On the lower half of page 19 is a summary of the contributions made by the Township to both pension plans for the year. A total of \$88,682.00 was deposited in the Police Pension Plan, and a total of \$24,286.00 was deposited in the Non-Uniform Pension Plan. Those contributions are determined utilizing PMRS and various aspects of State code they are required to follow.

Page 21 shows a schedule of seven years of history of the pension plans, which is basically the amount of time the Township has been with PMRS. As indicated in column 4, excess assets are shown which

fund the Police Pension Plan. Those numbers increased substantially, especially during the first five years of the plan, then leveled off after that time. Similarly, there is a comparison on page 23 for the Non-Uniform Pension Plan which also shows the over-funding of the plan.

Mr. Gruver presented a Management Recommendation Letter to the Township Manager, which is only two pages in length, down by several pages from prior years. A similar comment that is again in the Management Recommendation Letter this year, is control of segregation of duties. The comment relates to the fact that due to the size of the Township staff, there is not opportunity for much segregation of duties within the handling of funds and accounting aspects. Mr. Gruver is not suggesting procedure be changed, just that the Township be aware there are basically only one or two employees handling all the financial activities of the municipality. Mr. Gruver realizes it would be cost prohibitive to hire additional employees just to have that safeguard, however it must still be noted. Another item mentioned in last year's report, is the area of exonerations with regards to the Per Capita taxes. When the Tax Collector receives a duplicate from the County, she will then give the Township a listing of taxpayers who should be exonerated for whatever reason throughout the year. Mr. Gruver explained the Board should review and approve that list, thereby making it a part of the minutes, in order to truly exonerate the Tax Collector from collecting those particular taxes. This is just a formality that must be reviewed and approved by the Board of Supervisors. The remaining area of concern is the pre-numbering of building, electrical, plumbing and occupancy permits. Mr. Gruver advised pre-numbering is the only way to insure accountability controls for revenue purposes. Chairman Bennett thought the Township was currently utilizing pre-numbered permits. Mr. Horrocks explained the Township is presently using pre-numbered permits for certain permits, however there are some of which there is still a rather hefty supply, and the Township is waiting until it is time to reorder new permits for pre-numbering.

Chairman Bennett feels the presentation this evening was very thorough, and thanked Mr. Gruver for his report.

2. Mr. Dave Bradley - Regarding dogs next to Hilltown Park - Mr. Bradley advised over the past few years, a jogger has been terrorized, a young boy was attacked, Township employees working in the park were chased, and last year, Mr. Bradley's own pregnant wife was bitten by a dog that lives next door to the Civic Park on Rt. 152. Within the past several weeks, a bike rider was also attacked and bitten while passing the park. All these incidents are a result of the same dogs. Mr. Bradley is seeking assistance from the Township, to utilize it's resources, including the Township Solicitor's office, to charge and attempt to convict the

1918

Page 9
Board of Supervisors
April 25, 1994

owner of these dogs under the Dangerous Dog Law, before another tragedy occurs. When Mr. Bradley and his wife went to court concerning the dog bite, Mr. Bradley felt the representative from the Township who was in attendance was not as supportive as they could have been. Mr. Bradley asked how the Township intends to guarantee that residents will be safe while using the park. Chairman Bennett advised the Township is obviously concerned about this matter, since the park is officially going to open in the very near future, thereby creating more pedestrian traffic and allowing for more children on the site.

Chairman Bennett asked if the owner of the dogs has been cited. Chief Egly replied the owner has been cited, and the matter will be heard before the District Magistrate, though it is a different Magistrate than last year because of the change in districts. Chief Egly also noted that the dog is no longer at the owner's home. Mr. Bradley is aware that the dog is not living on site at this time, however it is his opinion that there is nothing to prevent that dog from re-entering the state in the future. Chief Egly was not willing to discuss the matter in depth because the dog owner does have the right to appeal if they so choose. The dog is presently out of the state of Pennsylvania, and if it is brought back in to the state, the owner will face criminal charges of owning a dangerous dog. At present, the owner has been charged and there is an appeal period during which time he can appeal the case, however he will then have to appear as a witness. If the owner chooses not to attend the hearing, there is nothing Hilltown Township can do. Chief Egly made it clear that the judge's decision is final in a case such as this. Mr. Bradley commented the police department has been very helpful in implementing the existing dog laws, however he wondered how many serious attacks it must take before the dog's owner can be held accountable. Chief Egly noted the owner has agreed that the dog would not be brought back into the state of Pennsylvania.

Supervisor Bennington asked if there is a citation in place against the dog owner for the latest biting offense. Chief Egly replied a citation has been filed, but the owner does have the right to appeal. Solicitor Rice advised the first step is at District Justice court, where the dog will have to be deemed dangerous, and the dog will have to be certified as dangerous, under the "two bite law". Solicitor Rice explained after a dog bites someone once it must be certified, and then after a second bite occurs, the dog gets sent away. Supervisor Bennington asked if the particular dog in question was certified after the first bite, and Chief Egly replied that it was not, though he does not know why the first bite was never certified. Mr. Bradley believes the District Justice did not certify the first bite. Mr. Bradley attended the hearing to have the dog named as a "dangerous dog", but since a dog bite is covered under homeowner's insurance, the owner is provided with an

attorney for council to defend the suit. Council for the dog owner requested that the court not enact the Dangerous Dog Law if the owner agreed to erect a fence, which they did. The promise of erecting a fence seemed to be sufficient for the District Justice at that time, and the matter was then dropped. Six months later, however, Mr. Bradley noted the same dogs were out of the fence, and managed to attack a bike rider. After the hearing dealing with the incident of his wife being bitten, Mr. Bradley stated the District Justice did not certify the dog as dangerous or report the incident to the State Department of Agriculture, as is necessary under the Dangerous Dog Law Act. Under this statute, Solicitor Rice noted the District Justice has to make a determination that the dog is dangerous, and then the owner is required to obtain a certificate. Under that certificate, there are certain licensing requirements including insurance and fees, etc.. There is also an actual number given to the dog, so that in the event the dog is transferred out of state, the owner must report it to the state. Once all this is complete, and if the dog should bite someone again, the animal is then removed from it's owner. As long as the dog is removed from the state following a biting incident, Mr. Bradley asked if there is anything the Township can do to press charges against the dog owner. Solicitor Rice is just stating the procedure under this statute. The first time Mr. Bradley went to District Justice court, it appears to Solicitor Rice that the proper determination about the dog was not made, and instead, the alternative of constructing a fence to confine the dog was allowed.

Chairman Bennett asked if the first dog biting incident which previously appeared before the District Justice, is admissible evidence in the latest biting incident. Solicitor Rice stated the current citation against the owner will apply for the dog that has apparently been sent out of state. The first biting incident of last year involving Mr. Bradley's wife is considered resolved, since a decision was rendered by the District Justice at that time. Mr. Bradley may be able to enter information into evidence on the most recent biting incident when it goes to court, if he can prove that it is the same dog involved. Chief Egly advised if the dog owner pays the fine, there is nothing the Township can do. Mr. Bradley believes that to be true also, stating that if the owner pays the fine, a court case will not be held, and then this bite "doesn't count" either. Solicitor Rice feels Mr. Bradley should insist that the District Justice certify the dog as dangerous. Chief Egly advised Mr. Bradley could begin civil proceedings against the dog owner if he wishes. Mr. Bradley does not feel he should be required to start civil suit proceedings himself, and asked if the Township, in support of it's new park, would defend him in this case. Solicitor Rice commented it is up to the Supervisors to authorize him to proceed. Solicitor Rice feels there may be a problem getting the dog that is now out of state, certified as a dangerous dog, simply because it has left the

192c

Page 11
Board of Supervisors
April 25, 1994

state of Pennsylvania. Chief Egly stated the police department will be periodically checking to determine if the dog comes back into the state, and if it does, criminal charges will be filed against the owner.

Supervisor Fox asked if the dog in question was quarantined after biting. Mr. Bradley replied the dog was ordered to be internally quarantined by the owner, which was nothing more than "house arrest" for the dog, to determine if it acted strange in any way, shape or form.

Mr. Bradley asked how he can be sure that the park is safe for his family to use. Supervisor Fox recommended that the Township Solicitor be sent to the hearing, when it is scheduled, to represent the Township. Chief Egly commented if the dog owner pays the fine, the case will not be heard in court at all. If the dog owner pays the fine and pleads guilty, the next step of action would be civil proceedings. Supervisor Fox noted the Township does not get involved in civil proceedings.

Chairman Bennett asked how much of a fine the dog owner might have to pay. Chief Egly stated the amount of the fine is at the discretion of the District Magistrate, though he believes it is a very minor fine, possibly only up to \$300.00.

Solicitor Rice explained one of the following four types of evidence is required to have an animal classified under the Dangerous Dog Law Act, including inflicting severe injury on a human being without provocation, killing or inflicting injury on a domestic animal, attacking a human being without provocation, or been used in the commission of a crime. It appears to Solicitor Rice that all the incidents mentioned by Mr. Bradley this evening fall under the category of "attacking a human being without provocation", and he believes Mr. Bradley should be able to ask the District Justice to make a determination as to whether or not the dog is considered dangerous. If the dog is dangerous, the District Justice should then be fining the dog owner.

Solicitor Rice would like to review the citation that was filed for the most recent biting incident. After that time, if the Supervisors authorize it, he would be willing to appear before the District Justice with the police department, in an attempt to have the determination made as to whether or not the dog is considered "dangerous", even though the dog is no longer in this state. Chief Egly feels the Township should wait to see if the dog owner appeals the citation. If the owner does not appeal the case, admits his guilt, and pays the fine, the case is closed. Chief Egly also asked the Board to keep in mind that unless the bite broke the skin, which it did not during this last incident, he does not believe the dog will be determined dangerous.

1261
Page 12
Board of Supervisors
April 25, 1994

Chairman Bennett assured Mr. Bradley that he has the cooperation of the Board of Supervisors and the police department. The Board will discuss the matter with the Township Solicitor and Chief Egly in order to keep abreast of the situation.

Mr. Bradley asked if the Township can guarantee the safety of residents using the park. Supervisor Bennington feels that is the major issue at hand. There will be many young children using the park, especially in the spring and summer months ahead, and he would like assurance that he will be safe when using the park. Supervisor Bennington understands the dog owner's rights, however he believes he also has the right to be protected from dogs entering the Township's property to attack him or his family.

Chief Egly would like the Board to keep in mind that at present, the park is not posted with signs stating that pets are not allowed. Posting of rules and regulations would help should an incident ever go to court. Chairman Bennett asked if motorized vehicles have been seen on the park property. Chief Egly replied snowmobiles, three wheelers, motorcycles, and four wheel drive vehicles have been seen on the park grounds. Mr. Horrocks commented there is no fence surrounding the park, and unless the Township fences the park completely, there will always be the possibility of things occurring on that property, regardless of what regulations are posted. Supervisor Fox stated when the park is officially open, signs will be posted listing rules and regulations.

Solicitor Rice will contact District Justice Gaffney's office, and request notification if and when the dog owner pays the fine and pleads guilty to the citation.

Supervisor Fox advised there is no way to guarantee that some other dog will not go on to park grounds and attack or bite someone else. The Board will see that signs are posted at the park, and they will hope that no other dog will go into the park and bite someone else. However, the Township can not have someone guarding that park 24 hours a day to insure that stray dogs do not enter the property. Mr. Bradley felt the Board could discourage the neighboring dog owner who does allow his dogs, which are known biters, to run loose on Township property. Supervisor Fox stated the Township can only do what the law allows them to do. If that is not satisfactory, Mr. Bradley can go to his legislator, asking them to pass more stringent laws. Mr. Bradley thanked the Board for their time.

3. Mr. Ron McHose - Narothyn Road Drainage Easement - Mr. McHose has experienced drainage problems with an easement on his property ever since he moved to the site.

1922

Page 13
Board of Supervisors
April 25, 1994

Chairman Bennett was not aware of this issue until very recently, however he understands that when Mr. McHose purchased the property, the easement was there. Mr. McHose was told that there was an easement on the property, however he was never told that there was a basin to the rear of the site, before he purchased the property. He was also told that there were swales on both sides of the property. Mr. McHose stated the easement does not drain properly and he does not have the funds to repair it this year. Mr. McHose asked if it was his responsibility to repair the easement, because he was told he had to maintain it, which meant cutting the grass. He has done that in the past, however the basin is rutted and constantly wet. There is apparently a drainage problem from the field across the street from the site.

Mr. Wynn inspected the site last week, and noted that the basin was designed with a flat bottom, which means it will be difficult to maintain, it will retain water, and it will make for swampy conditions. The swale which is an easement along the side property line receives water from two 24" reinforced concrete pipes, and was designed with 2:1 side slopes. It was originally sodded and is not eroded at this point. The basin and the swale were shown on the original subdivision plan, though Mr. Wynn is not sure what the developer, Mr. McMullin, told Mr. McHose about the swale and basin. Chairman Bennett asked how old the development is, and Mr. McHose replied it is seven years old. Mr. Wynn noted the development was approved in the spring of 1986, and construction began in the summer of 1986.

Supervisor Bennington assumes that the developer told Mr. McHose, as the property owner, all he would have to do is mow the grass, however the real responsibility is much more detailed than just cutting the grass. As Mr. Wynn explained to Mr. McHose, the fact that the basin bottom is not lawn and is not easy to maintain with a mower, does not effect the function of the basin itself. It certainly might be unsatisfactory to Mr. McHose, however it does not affect the function of the basin, whether he mows it or not. Mr. McHose commented it does affect him if he wants to use his back yard with all the mosquitos and the bad smell. Mr. McHose stated he is fed up with the problem and would like it resolved.

Supervisor Fox advised an "easement" only allows someone to go on your property to inspect the retention basin. Supervisor Fox commented the property is the responsibility of Mr. McHose, who purchased it with the basin there and it is noted on his deed as such. Mr. McHose claimed he was not told it was a basin, he was told it was an easement. Supervisor Fox replied Mr. McHose may have been told that, however if he reads his deed, he will discover that he is responsible for the upkeep of that basin. Mr. McHose stated he agreed to take care of it, however he can not afford to take care of it. The basin is rutted and torn up and is impossible

to mow. Mr. McHose has spent money to keep up the basin, and asked if it is his responsibility. Supervisor Fox commented it is Mr. McHose's property, and he should have been aware of the responsibility when he purchased it. Mr. McHose does not feel the basin was installed properly from the time it was put in. Mr. McHose expressed his concern to Mr. Wynn at the time, and Mr. Wynn had asked Mr. McHose to be patient, and wait until the side of the house was done. Mr. McHose explained the drainage easement runs along the side of the house and empties into the basin. Mr. McHose does not believe the basin is needed because it has never collected much water during the past seven years. The basin is 100+ ft. long by approximately 50 ft. wide, and Mr. McHose feels the basin is much too deep and wide for the property.

Mr. Wynn stated the developer of this site was defaulted after three attempts at stabilizing the swale. One of the problems with the swale is the fact that the amount and velocity of water is too great for an earthen swale. In 1987, the Township had defaulted the developer and then planted sod in the swale. The Public Works Department returned three times to re-lay the sod after the water washed it out. Mr. Wynn noted that the swale has not eroded since that time, though it is not a smooth bottom. The basin itself was designed with a flat bottom and only six inches of fall from one end to the other. Mr. Wynn advised the Public Works Department did the basin bottom at the conclusion of the development and also after defaulting the developer. Mr. Wynn feels it would be extremely difficult to maintain lawn in the basin. He would expect the basin to be in this kind of condition because of the way it was originally designed. The swale is not eroded, and the functioning of the swale and the basin has not been impacted over the years by the fact that the basin is not in lawn condition. Mr. Wynn stated if Mr. McHose did nothing to maintain the basin this summer, allowing the basin to grow into wetlands, it would still function. Mr. Wynn explained that whatever the developer did was within the guidelines of the original planning module, and at that time, this is how basins were constructed.

Supervisor Bennington feels the issue is that the developer, Mr. McMullin, presumably never advised Mr. McHose the extent of his responsibilities with regards to the basin, even though that requirement is recorded on the deed.

Chairman Bennett asked Mr. Wynn for suggestions as to how Mr. McHose can correct this problem. As Mr. Wynn indicated to Mr. McHose on several occasions, the basin was over-designed at the time, and is far too deep. Mr. Wynn feels the basin bottom could be raised, and at the same time, a good slope could be attained so that it would drain properly. Unfortunately, it would take a large amount of fill to do that. With regards to the open swale, other than installing expensive piping, Mr. Wynn does not believe Mr.

McHose could do any better than what already exists. There is too much water and the velocity is just too great. Mr. McHose asked if the water that runs into the swale from the property across the street could be slowed down. Mr. Wynn explained that behind the property across the street, which is the McConnell property, there is a ten acre field, that all slopes towards Mr. McHose's development. That field has been the source of many problems, especially for the McConnell property over the past several years. Almost yearly the field is planted with soybeans. The farmer plows the field up and down the hill, and this results in run off which ultimately ends up in Mr. McHose's basin. Mr. Wynn inspected the field several years ago with Mr. John Thomas of the Soil Conservation District, because the farmer at the time was not controlling erosion and sedimentation on the property. Mr. Wynn understands from Mrs. McConnell that it is a different farmer now, however he continues to plow the same way, up and down the hill. Mrs. McConnell is attempting to get Soil Conservation District involved again, but to Mr. Wynn's knowledge, the issue has not yet been resolved. Supervisor Bennington asked if the run-off from the field was an issue in 1986 when the plan was approved, and if it was, he feels it should have been a condition of plan approval. Mr. Wynn does not know if it was an issue at the time, and explained that field and the property in front of it was all one field in the early 1980's. If something could be done to control the run-off from the 10 acre field, Chairman Bennett asked how significant the effect would be on Mr. McHose's property. Mr. Wynn replied it would depend on what the changes. At one point when Mr. Wynn reviewed the site with Mr. Thomas, the farmer at the time stated that if he was required to do anything on that property, it would no longer be worth farming. If the field was not farmed and instead allowed to grow up in grass and weeds, Mr. Wynn believes the problems of run-off would diminish greatly. It is the farming activity that is creating much of the run-off and silt.

Supervisor Fox suggested complaining to the Bucks County Conservation District again. Mr. Wynn replied the neighbor has been complaining to the B.C.C.D., to no avail, though he believes the matter would fall into their realm of jurisdiction. Supervisor Bennington felt the Board should authorize Mr. Wynn to contact the Conservation District about this matter.

Mr. Wynn believes there was one year when the farmer did not plant that ten acre field. Mr. McHose stated that took place approximately 3 or 4 years ago, and at the time, the County Conservation District had recommended that a swale be cut between the field and the McConnell's property. The year that swale was cut, Mr. McHose advised the basin was totally dry.

Mr. Wynn will contact Mr. Thomas of the Bucks County Conservation District to follow up on this issue. Supervisor Bennington does not feel there is too much more the Board can do at this time to help Mr. McHose with this problem.

Mr. McHose is concerned that if he does not mow the basin this summer, he will be fined by the Township under the Weed Ordinance. Supervisor Fox commented if the basin is as wet as it sounds, and it becomes wetlands, Mr. McHose would not be allowed to mow the grass. The Board was in agreement that the Township will not fine Mr. McHose if he chooses to let the grass grow in the basin.

Supervisor Fox noted the Township has no control over Mr. McHose's property, because it belongs to him and he purchased it under the stipulation that he maintains the basin. Mr. McHose agrees with that statement, however he was told by Mr. Wynn to "be patient, it will be taken care of". Mr. McHose believes he has been patient long enough, however the problem still exists. Mr. Wynn commented that Mr. McHose is referring to the time that the Township was attempting to get the swale stabilized, and it was stabilized. However, Mr. McHose stated, nothing was ever done by the Township as promised by Mr. Wynn. Mr. McHose noted Mr. Wynn had told him that once the side swale easement was taken care of, the basin would be taken care of. Mr. Wynn replied the Public Works Department did work on the basin. Mr. McHose disagreed, stating that the Public Works Department worked on the end where the swale and easement comes down, but they never touched the other end of the basin. Mr. Wynn disagreed with Mr. McHose, advising he was on the site when the Public Works Department worked on the basin.

Mr. McHose asked if something will be done by the Township concerning his problem. Chairman Bennett replied Mr. Wynn will be directed to investigate the problem on the field across the street, with Mr. Thomas of the Conservation District, to determine if anything can be done to correct the run-off problem.

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

1. Mr. Horrocks advised the Board that he received a letter of resignation from an individual who has done a great job during the six years she has worked for Hilltown Township. Lynda Seimes is resigning her position as Township Secretary, effective May 13, 1994. Mr. Horrocks believes leaving her position at Hilltown Township was a very difficult decision for Ms. Seimes, and feels the past winter helped in her decision, because she has accepted the exact same position at Lower Saucon Township, which is minutes from her home.

Mr. Horrocks is seeking the Board's authorization to place an advertisement in local newspapers for the position of Secretary.

1926

Page 17
Board of Supervisors
April 25, 1994

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Horrocks to place advertisements in local newspapers for the position of Secretary.

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

County Line Shopping Center	Voucher #03	\$	431.43
TelVil Corporation	Voucher #05	\$	408.78

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the release of the above named authorization vouchers.

3. Correspondence has been received from Cub Scout Pack #199, who have requested the Board waive fees for rental of the Scout Cabin and facilities for a picnic on June 24, 1994.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to waive the rental fees for Cub Scout Pack #199 for their use of the Scout Cabin on June 24, 1994.

4. District Justice Gaffney recently reminded Chief Egly that the current Ordinance concerning disorderly conduct should be updated.

5. Concerning the offer by Jerry's Auto Body to donate trees to the Township that were originally required on his land development plan, Mr. Horrocks advised the Park and Recreation Board has considered this offer, and are very interested in it. The Park and Rec. Board would like to know, however, the specific trees that will be donated prior to planting them in any of the Township parks. Mr. Wynn will advise Mr. Horrocks of the types of trees that were required.

6. For the Board's information, the Hilltown Township Zoning Ordinance of 1994 was delivered to the Township Solicitor's office and to the Bucks County Planning Commission, for their review on April 22, 1994. The process that has been defined to date is that the Bucks County Planning Commission has 45 days to review the Ordinance, as per Act 170. The Hilltown Township Planning Commission has suggested that the Township Solicitor's office has 30 days to review the proposed Ordinance and respond in writing. The Planning Commission has also requested the advertisement of a Public Hearing concerning the proposed Zoning Ordinance to be held at their May 16, 1994 Planning Commission meeting. Supervisor Fox noted the Subdivision/Land Development Ordinance must also be revised during the same year that the Zoning Ordinance is revised.

G. CORRESPONDENCE - Mr. Bruce G. Horrocks -

1. Surplus Food Distribution, in conjunction with the Bucks County Opportunity Council, will be held on Thursday, June 9, 1994 between the hours of 2:00PM and 4:00PM.

2. Correspondence has been received from Waste Management of Indian Valley advising that effective April 16, 1994, the transfer station will be open on Saturdays from 8:00AM until 12:00 Noon for acceptance of municipal waste or construction materials.

3. A quarterly report has been received from Bunny's Animal Shelter, advising the total count of dogs remaining as of March 31, 1994 is 150.

H. SOLICITOR'S REPORT - Mr. John Rice, Township Solicitor's Office -

1. Solicitor Rice presented Resolution #94-19, which is an Acceptance Resolution for the Balbi Subdivision. This is an acceptance of an easement of the right-of-way along the frontage of the Balbi Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #94-19, for the acceptance of easement for the Balbi Subdivision.**

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

1. Blooming Glen Mennonite Church (Preliminary) - Mr. Steve Marinelli of Urwiler and Walter was in attendance to present the plan. The plan proposes an addition to the Blooming Glen Mennonite Church, located on Blooming Glen Road, just northwest of the village of Blooming Glen. The site is served by on-site water supply and public sewer from the Hilltown Township Water and Sewer Authority. The applicant is proposing a building addition for administrative purposes to be constructed within the current parking area. The additional parking area to compensate for that which is being used by the building will be installed just north of the building addition. There are presently two dwellings on the property and the cemetery is located directly across the street. Mr. Wynn explained the applicant is actually equitable owner of the adjacent property located to the southeast. Landscaping has been proposed instead of a buffer along the perimeter of the property, Mr. Wynn advised the Zoning Ordinance allows the flexibility as to plantings, and the Planning Commission has endorsed the applicant's proposal, which is to add buffer along the parking area and along the improved portion of the site. There is a retention basin proposed on the northern corner of the tract to control stormwater run-off from the crest of the hill. The applicant has requested

Page 19
Board of Supervisors
April 25, 1994

waivers, including street improvements consisting of curbing, sidewalk, and cartway widening, the installation of wheelstops along the perimeter of the parking area, and dedication of the right-of-way, all of which were recommended for approval by the Planning Commission.

Mr. Wynn noted the one item that was discussed in depth at the Planning Commission meeting was the waiver request for the right-of-way dedication, which is not normally waived. In this case, there are a number of improvements along the frontage of the site, and a portion of the cemetery is actually located within the ultimate right-of-way. With that in mind, the Planning Commission recommended waiver of the right-of-way dedication, conditioned upon the utility easement being granted on both sides of the street for the possible future sanitary sewer, water, or stormsewer improvements. A representative of the church who was present at the last Planning Commission meeting indicated that would be acceptable. Mr. Marinelli wished to clarify if the Board was requesting the right-of-way width of that easement, or was it to be the exact dimension of the right-of-way. Mr. Wynn commented that is something that can be determined during the final plan process.

The remaining recommended condition of preliminary plan approval is the resolution of stormwater management during the final plan stage. Generally, this is proposed by way of a retention basin, however there is a matter of some detail items which must be resolved. Approval by the Bucks County Conservation District for erosion and sedimentation control measures, Planning Module waiver, and approval from the Hilltown Township Water and Sewer Authority for the proposed sanitary sewer connection is still required. A waiver has been requested from submission of Planning Modules to DER, as no additional proposed water use is to be created by the building addition. Mr. Wynn stated an escrow agreement should be required for all public improvements, and resolution of any outstanding engineering and drafting details during the final plan stage should take place.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to Blooming Glen Mennonite Church, pending completion of those outstanding items as specified by the Planning Commission and Mr. Wynn's engineering review letter.

2. Country Roads - Phase II (Final) - Mr. Wynn advised this plan has been approved, except for the final plan which is being approved in stages. Mr. Wynn presented an overall plan showing the entire site, with Phase I currently under construction, and showing the locations of proposed Phases II and III.

1929
Page 20
Board of Supervisors
April 25 1994

Mr. Wynn advised the applicant has presented the final plan for Phase II, which at this point consists of the completion of outstanding items. The Planning Commission recommended final plan approval to Phase II subject to the granting of the appropriate stormsewer easements as shown on the plan, verification of water and sewer capacity from the Hilltown Township Water and Sewer Authority, as well as their final review of Phase II connections and the escrow agreement to guarantee that water and sewer facilities are constructed. Mr. Wynn understands sewer capacity has been established for Phase II of the project. Also required is the execution of an escrow agreement with the Township to guarantee all public improvements and resolution of any remaining drafting or engineering details, which are still under review by Mr. Wynn's office.

At the time of preliminary plan approval for the entire phase, Mr. Wynn explained one of the conditions of approval was the estimated cost of reconstruction of Telegraph Road bridge being funded during Phase II, with the actual construction of the bridge taking place during Phase III or commencing midway through Phase III. Mr. Steve McKenna of Mignatti Ventures commented they will actually start the construction of the bridge at the beginning of Phase III and complete it by the middle of Phase III. The designs for the bridge were proposed to be in place by the end of Phase II.

Mr. McKenna stated that originally, the applicant was going to provide for funds for the bridge during Phase I of the project, however at that time, he appeared before the Board of Supervisors with a request that is similar to what he is asking this evening. Mr. McKenna is requesting that the requirement to actually post the funds for construction of the bridge be postponed until Phase III when the actual bridge construction will take place. Mr. McKenna explained the problem that has arisen is the same that came about during Phase I. Currently, the applicant has improvement estimates for the purpose of the Township escrow agreements totalling approximately \$653,000.00, with water and sewer being \$190,000.00 of that amount, and the Township being \$463,000.00 of that amount. There will be 26 homes constructed within Phase II. The largest expense Mr. McKenna has experienced in this particular phase is that the improvements would be required earlier in the job than later, which is the extension of Fieldstream Drive out to Telegraph Road. The bank has told Mr. McKenna that because of the extensive improvement costs MVI will be incurring for the 26 homes in Phase II, they can not provide the Bridge funding during Phase Two. The requirement to provide the additional \$250,000.00 amount during Phase II, even though the actual construction will not take place until Phase III, makes the overall improvement costs per housing unit for Phase II too high for the bank to handle. Mr. McKenna is requesting that the Township allow him to delay the actual funding of the bridge until entering into Phase III agreements. MVI would

1930

Page 21
Board of Supervisors
April 25, 1994

continue under all other terms of the agreement, the bridge would be designed by the end of Phase II, and construction of the bridge would begin at commencement of Phase III improvements. Mr. McKenna advised the houses are being sold for \$116,900.00 to approximately \$140,000.00. The applicant is not seeking to change the fact that they are to provide the design of the bridge by the end of Phase II, they are simply hoping to get authorization from this Board to have the funds posted at the time of execution of Phase III escrow agreements.

Supervisor Bennington commented he had no problem with the developer's first and original request to defer the escrow until the completion of Phase II, however he wondered how Mr. McKenna can guarantee that they will not be back before the Board at the completion of Phase II making the same request because they can not obtain funding for Phase III. Supervisor Bennington also asked what assurance the Township has that the developer will not just sell the homes in Phase II, and then, for whatever reason, proceed no further with the development, leaving the Township responsible for improving the bridge.

Chairman Bennett asked what will happen if the development does not obtain the EDU's it was promised. Mr. McKenna stated the development has an Act 537 approval for the entire project for all 116 units, and in addition to that, substantial funds have been placed into an agreement with the Water and Sewer Authority to reserve the EDU's. Further, it is Mr. McKenna's indication from a recent letter from DER, that Country Roads is fine for the remaining phases because of the fact they had previously obtained Act 537 approval for the entire project.

As to the state the project will be in at the end of Phase II, Mr. McKenna noted there was a total of 31 homes in Phase I, and a total of 26 homes in Phase II, which is 57 homes of the grand total of 116. If the Board looks at the amount of traffic that would be generated to cause the need for the bridge on Telegraph Road from the Country Roads Subdivision, Mr. McKenna does not feel there would be a substantial amount of traffic. The developer will have, at the end of Phase II, completely improved Fieldstream Drive with sidewalks and curbing, as well as road widening on Telegraph Road.

With regards to Phase III, if Mr. McKenna is not able to provide the funding at that point in time, he does not anticipate that the Board will give approval to do this for the third time, and he would accept that fact. Supervisor Bennington stated the developer could still claim, for a third time, that they could not get the funding from the bank because of the improvement requirements for the bridge. Further, the internal improvements on Fieldstream Drive are really the responsibility of the developer because they impact the homes they are building. However, the improvement on

Telegraph Road impacts the rest of the Township residents who utilize that roadway. Mr. McKenna advised the improvements have been calculated so that they will be accounted for in Phase III. It is anticipated that the bridge will be part of the Phase III improvements, and therefore the funding "works". Just for clarification, Mr. Wynn noted the Telegraph Road improvements are for Phase III. Mr. Wynn stated the stormsewer has been escrowed all the way down to the bridge, even though road widening is not part of this phase, because in order to stand alone, inlets must be installed and there would be no where for them to drain. What was included in Phase II, outside of the intersection itself, is only the storm drainage down to the creek.

Supervisor Bennington wished to make it perfectly clear that if the developer of Country Roads makes this same request for the third time, he will absolutely deny that it.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the delay in funding for the Telegraph Road bridge improvements, as outlined in the letter from Mignatti Ventures Inc. concerning Country Roads developement, and to grant final conditional plan approval pending completion of those outstanding items as noted in Mr. Wynn's engineering review letter.

3. Rumer Subdivision (Prel.) - Mr. Wynn advised this preliminary plan proposes a three lot subdivision located on Mill Road at the intersection of Keystone Drive. The proposal is a resubdivision of one of the lots in the Hawk Ridge development. The plan proposes a parcel to be subdivided into three lots, with two lots consisting of 2.7 acres each and one lot consisting of 2.1 acres in area. The properties are vacant at this point, with the exception of a corner of Lot #3 which is now a thinned out wooded area. The properties are proposed to be served by on-site sand mound for sewage disposal and public water from the North Penn Water Authority. The second sheet of the plan shows a proposed retention basin along the frontage of the site to control run-off in accordance with the Neshaminy Creek Stormwater Management Ordinance. The applicant originally requested a waiver of stormwater management due to the fact that there were only three houses being constructed on seven acres. Half of the site drains to an existing basin built under Hawk Ridge, and the north half, along the road, is the only portion of the site that would experience uncontrolled run-off. The plan currently proposes a stormwater retention basin, which is one of the items outstanding for final plan approval. The Planning Commission recommended preliminary plan approval to the Rumer Subdivision, conditioned upon the fact that the stormwater management design for the site be finalized during the final plan stage. Mr. Wynn noted one of the problems is that the stormwater detention basin is extremely

1932

Page 23
Board of Supervisors
April 25, 1994

large for only two houses draining into it. It exceeds the Township requirements by being proposed at 4 1/2" ft. deep. Other outstanding items which are conditions of the Planning Commission's recommendation include the final verification from the North Penn Water Authority for public water, which requires an extension of the water line that actually stops in front of Lot #1, Planning Module approval by DER, approval from the Bucks County Conservation District for erosion and sedimentation control, installation of property monumentation, execution of escrow agreements for all public improvements, and some minor drafting items.

With regards to public improvements of the site, Mr. Wynn advised the regrading of the swale along Mill Road is required. All the street trees have been installed and the roadway was widened during the development of Hawk Ridge. The swale is inadequate along the frontage and there have been complaints from property owners across the street concerning the swale not carrying the water properly. The plan proposes to reconstruct the shoulder of the swale, providing a 1 ft. 4 in. deep swale along the frontage of these lots down to the culvert.

Motion was made by Supevisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Rumer Subdivision preliminary plan, based upon the conditions of the Planning Commission and Mr. Wynn.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #94-20 to send the Planning Modules for the Rumer Subdivision on to DER.**

4. Przyuski Subdivision (Final) - Mr. Wynn explained this proposal is a lot line change to a plan that was actually approved by the Board of Supervisors in 1988, but was never recorded because some conditions of plan approval were not met. The Township recently received correspondence from the attorney representing Mr. and Mrs. Adamietz, who are the property owners on the corner of Blooming Glen Road and South Perkasio Road, requesting that the Township allow the plan to be recorded at this time since there have been no significant changes in the Ordinance with respect to this proposed subdivision. The applicant has proposed a transfer of a 50 ft. wide strip (13,000 sq. ft.), from the adjoining Przyuski property to the Adamietz property, thereby consolidating it into a common deed. Both lots contain existing houses. Basically, this is just a request for a lot line change. The 50 ft. wide strip was part of the parcel that was subdivided by Glenn Garis several years ago, when he constructed all those homes along South Perkasio Road, just west of Blooming Glen Road. The Planning Commission recommended the lot line change be allowed, subject to a few conditions, which were also conditions of plan approval back

in 1988. Those conditions include dedication of Blooming Glen Road and South Perkasio Road right-of-way along the frontage of the Adamietz property. The area in front of the Przyuski property was dedicated by Glenn Garis at the time of his subdivision. Lot #2 as shown on the plan, must be consolidated with the adjoining property as noted into one deed, such that a new lot is not created, and there is also a stipulation that the Township be reimbursed for all legal, engineering, and administrative costs relative to processing this plan. Mr. Wynn suggested that a condition of this plan approval be that the plan be recorded within 90 days of this date.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to reapprove the lot line change for the Przyuski Subdivision, with the conditions as specified by the Planning Commission and to require that the plan be recorded within 90 days.

5. Mr. Wynn advised the Township received correspondence from the Bucks County Planning Commission, who have apparently reviewed a sketch plan for a parcel located in Perkasio Borough called the Barndt Estate. It is a major subdivision plan which is a total of 19 acres, with 1.3 acres of that being located in Hilltown Township. The Bucks County Planning Commission notes that there is no development proposed in Hilltown Township, however the plan does not indicate the intended use or ownership of the 1.3 acre site in Hilltown which is landlocked behind two parcels proposed by the plan. They also note that since the site is located in both Perkasio Borough and Hilltown Township, approval of the plan should be coordinated between the two Planning Commissions and governing bodies. Mr. Wynn is not sure to what extent development is proposed in Hilltown Township, and feels contact should be made with Perkasio Borough to obtain more information about the proposal. The site is located on the southeast side of South Main Street, between East Market Street and East Walnut Street, and the plan proposes 30 single homes.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Wynn to contact Perkasio Borough concerning this proposal.

J. LINENS FOR SIGNATURE:

1. Balbi Subdivision - Mr. Wynn advised Mr. Babli has installed the balance of the trees, and dedicated the right-of-way. The linens are ready for signature by the Board of Supervisors and must also be signed by the Planning Commission, in order to get the plan recorded and obtain their sewage permit to have the stop work order lifted.

1994

Page 25
Board of Supervisors
April 25, 1994

K. RESIDENT'S COMMENTS: None.

L. SUPERVISOR'S COMMENTS:

1. On behalf of the Board of Supervisors, Chairman Bennett thanked Lynda Seimes for her six years of service, stating they are sorry to see her go. Chairman Bennett stated the Board appreciates her fine service and happy smile over the years, and noted that Mr. Horrocks will have a job replacing her.

2. Chairman Bennett advised the Civic Association meeting will be held on Tuesday, April 26, 1994 at the Good Shepherd Church on Hilltown Pike at 8:00PM. Representative Tom Druce will be the guest speaker concerning his recent trip to Russia.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the April 25, 1994 Board of Supervisors meeting adjourned at 10:12PM.

Respectfully submitted,



Lynda Seimes
Township Secretary