

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, March 22, 1993  
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM 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  
Lynda Seimes, Township Secretary

Chairman Bennett announced that the applicants for Gro-N-Sell called late this afternoon, cancelling their appointment this evening, and granting a 30 day extension. Instead, the Gro-N-Sell plan will be on the agenda of the April 26, 1993 Board of Supervisor's meeting.

Chairman Bennett announced the Board, the Township Engineer, and the Township Solicitor, met in Executive Session prior to this meeting to discuss legal and personnel matters.

A. APPROVAL OF MINUTES: Action on the minutes of the February 22, 1993 Board of Supervisor's Meeting:

Supervisor Bennington advised that Mr. Godek had made a statement at the March 8, 1993 Worksession meeting saying that the Board had never stated that they were considering amending the quarry agreement. Supervisor Bennington referred to page 8 of the February 22, 1993 meeting, where Mr. Godek contradicted himself by commenting "Supervisor Bennington is willing to amend the agreement if it is to the benefit of the Township, not just one individual", which was a statement made by Supervisor Bennington three meetings prior to this one. Supervisor Bennington wished to clarify that and point out the inconsistencies in what Mr. Godek says. Chairman Bennett noted he had also made a similar comment to the effect that it was within the Supervisor's jurisdiction to amend the quarry agreement, if that was a majority decision of the Board.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 22, 1993 Board of Supervisor's meeting as written.

Action on the minutes of the March 8, 1993 Board of Supervisor's Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 8, 1993 Board of Supervisor's Worksession Meeting as written.

1498  
Page 2  
Board of Supervisor's Meeting  
March 22, 1993

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented two Bill's Lists for the Board's approval this evening. The first Bill's List is dated March 3, 1993. The total of regular payments is \$51,322.43, with \$8,896.81 of State Highway Aid payments, for a grand total of \$60,219.24. Supervisor Fox noted that repairs were done to car #4, and asked if that is the vehicle which is being traded in. Chief Egly replied that it is not. Supervisor Fox asked how many people are members of Town Watch. Chief Egly replied there are approximately 25 or 30 residents who are members of Town Watch.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated March 3, 1993, subject to audit.

Chairman Bennett presented the Bill's List dated March 17, 1993. The total of regular payments is \$17,305.51, with State Highway Aid payments in the amount of \$6,910.43, for a grand total of \$24,215.94. Supervisor Fox asked for clarification of N.F.P.A. subscription. Chairman Bennett replied that is a code publication by the National Fire Protection Association, which the Code Enforcement Officer subscribes to.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated March 17, 1993, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce Horrocks, Township Manager -

Mr. Horrocks presented the Treasurer's Report with the following balances as of March 19, 1993:

General Fund Checking	\$ 56,328.65
Payroll Checking	\$ 297.33
Fire Fund Checking	\$ 54,203.88
Debt Service Investment Checking	\$ 7,650.00
State Highway Aid Checking	\$ 26,122.42
Escrow Fund Checking	\$128,503.91

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the Treasurer's Report dated March 19, 1993, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY:

1. Mr. Nick Lupinacci asked why the applicants for Gro-N-Sell cancelled their appearance this evening. Mr. Wynn explained the applicant had indicated that their expert hydrogeologist would not be able to attend. Mr. Lupinacci asked if the applicants for Gro-N-Sell had passed any type of imposed deadline. Mr. Wynn

Page 3  
Board of Supervisor's Meeting  
March 22, 1993

advised it is the Township that is running out of time. The applicant has granted an extension until the end of the month, over the original 90 day time frame.

E. CONFIRMED APPOINTMENTS: None.

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

1. Bids for a four wheel drive police vehicle, were opened this afternoon. The lone bid, from A & T Chevrolet, was in the amount of \$11,414.00. At this time, Mr. Horrocks recommended the Board accept and approve this bid quote from A & T Chevrolet.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from A & T Chevrolet in the amount of \$11,414.00 for a four-wheel drive police vehicle (Bid #93-2).

2. Mr. Horrocks presented the following seven Escrow Releases for the Board's approval. All are bank held Letters of Credit:

Country Roads Phase I	Voucher #02	\$ 700.15
Country Roads Phase I	Voucher #03	\$ 7,477.20
Country Roads Phase I	Voucher #04	\$ 5,000.00
Sterling Knoll Phase II	Voucher #52	\$ 1,816.55
Hager Subdivision	Voucher #05	\$ 936.00
Off-the-Wall	Voucher #02	\$ 590.85
Deerfield	Voucher #34	\$ 203.65

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

3. Correspondence has been received from New Britain Township, regarding a proposed "No Right Turn on Red" sign at the intersection of Rt. 309 and Hilltown Pike. The traffic light is permitted to Hilltown Township, though both streets are State roads. Hilltown Township would have to write a letter to PennDot requesting this sign be posted at the intersection. Mr. Horrocks noted this request has been made by the new Line Lexington Post Office, as this location is becoming a rather dangerous intersection.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize a letter to be sent to PennDot, allowing a "No Right Turn on Red" sign to be erected at the intersection of Hilltown Pike and Rt. 309.

4. This week, Mr. Horrocks met with the general manager of

1500  
Page 4  
Board of Supervisor's Meeting  
March 22, 1993

Suburban Cable, who supplied an overview of the Cable Television Consumer Protection and Competition Act of 1992. This is the act which caused re-establishment of what certain channels were. Mr. Horrocks has copied this document for the Supervisors.

5. Mr. Horrocks requested authorization to attend a seminar on May 6, 1993 dealing with geographic information systems, including software on mapping and data base management for townships. The cost for this one day seminar is \$35.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the attendance of the Township Manager at the May 6, 1993 seminar to be held in Lionville, Penna.

6. As an update to the Blooming Glen speed limit issue, Mr. Horrocks explained the Township is in receipt of correspondence from PennDot, authorizing lowering the speed limit on certain specified portions of Blooming Glen Road and Rt. 113, through the village of Blooming Glen. PennDot has requested that the Township not post the new speed limit signs until they have removed their own signs. The Township will also be considering the possibility of erecting either "School Bus Stop Ahead" or "Slow - Children at Play" signs in that area, as well.

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

1. Correspondence has been received from the office of Bucks County Community Development, advising that Mr. Mike Perlstein, coordinator of the Historic Preservation grant, has retired. The new contact is Mr. Jerry Jamison, who is attempting to determine where we are in the grant procedure.

2. A letter was received from the American Legion Warren Royer Post 234 of Souderton, whose sports complex is located on Central Avenue, east of County Line Road. Members of the American Legion Post are concerned with vehicles exiting Central Avenue onto County Line Road. Their concern is due to an existing home and embankment on the southeast corner, which tends to block vision of traffic traveling north on County Line Road. Since removing the corner building would not be feasible, the alternative is traffic control by use of a signal. As this intersection is located in all three communities of Souderton Borough, Telford Borough, and Hilltown Township, a request for direction was sent to all three municipalities. The Board was not in favor of erecting a traffic signal at this location.

3. Confirmation has been received from the Bucks County Board of Elections advising that both Hilltown Township's Blooming Glen Districts (I and II) will now be utilizing the Hilltown

Page 5  
Board of Supervisor's Meeting  
March 22, 1993

Township Municipal Building's meeting room as a polling place for future elections. Supervisor Bennington asked how that will work. Mr. Horrocks explained the meeting room will be divided down the middle with two voting machines located on either side of the room, and two Judges of Elections to handle each separate voting district. Supervisor Bennington felt it would be difficult and quite crowded to accommodate both Blooming Glen voting districts in this building.

4. An audit for Liquid Fuels from the Auditor General's Office has been received for the period of January 1, 1991 through December 31, 1991, advising that everything was in order.

5. The Annual Report of the Delaware Valley Regional Planning Commission has been received and will be placed on file at the Township office for review.

6. The Public Employee Retirement Study Commission has sent correspondence, reviewing some rather major changes to the retirement system for municipal employees. Mr. Horrocks will copy this document for the Board and for Township employees.

7. Supervisor Bennington noted he has two pieces of correspondence he would like to follow up on. One is from Mr. Cox, regarding an incident which occurred during the snow storm. Mr. Horrocks noted the phone conversation he had with Mr. Cox was prior to the mailing of the letter, which is the reason for the "p.s." to the letter. Mr. Horrocks spent 19 minutes on the phone with Mr. Cox, and conducted a personal site inspection with regard to the incident. Upon further investigation, and after speaking with the Director of Public Works and the employees involved, Mr. Horrocks believes the incident was a total misunderstanding and believes that Mr. Cox's perception of what happened was incorrect. Mr. Cox did not want to write the letter, however Mr. Horrocks asked him to so that the issue would be documented for Township purposes.

Supervisor Bennington also mentioned correspondence he has seen concerning the Jones situation on Green Street. Supervisor Bennington asked if Mr. Jones has resumed operation again, pending their own Zoning Hearing Board appeal. Mr. Horrocks does not know. Supervisor Bennington suggested a site inspection take place to insure that Mr. Jones is not violating the Zoning Hearing Board decision he is appealing. Solicitor Grabowski stated an Executive Session will be held following this meeting to speak about some pending legal matters, and felt this issue should be discussed during that time.

As a general question, if someone is in violation of an Ordinance and appeals it, Chairman Bennett wondered if that person could continue that practice while the case is under appeal. Solicitor

Grabowski replied not in every case, it really depends on the case itself. Therefore, Supervisor Bennington noted, it is conceivable that a violator could get a delay of the case, and still be violating the intent of a Zoning Hearing Board decision. Solicitor Grabowski agreed that the law can be abused in that fashion.

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

1. Solicitor Grabowski presented documents pertaining to the Orchard Station Subdivision, located on Orchard Road. The Township Engineer had advised Solicitor Grabowski that the Township is now at the point where we can accept the roads within the subdivision. Documentation has been prepared to accept the roads, which, if done this evening, can be filed for Liquid Fuel fund eligibility. The roadways for acceptance within this development are Morgan Lane, Victoria Lane, and Brittany Lane.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-20 to accept Morgan Lane, Victoria Lane, and Brittany Lane, located within the Orchard Station Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-21 to declare Public Purpose for Morgan Lane, Victoria Lane, and Brittany Lane, located within the Orchard Station Subdivision.

There is also frontage for acceptance on Orchard Road, which is part of the road widening project for that development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-22 to accept the road frontage for the southerly portion of Orchard Road within the Orchard Station Development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-23 to declare Public Purpose for the road frontage of Orchard Road from Orchard Station.

There is open space within the Orchard Station Subdivision, which the developer is requesting the Township now take ownership of, and be responsible for maintenance of this open space area.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-24 to accept the open space area within the Orchard Station Subdivision.

Page 7  
Board of Supervisor's Meeting  
March 22, 1993

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously adopt Resolution #93-25 to Declare Public Purpose for the open space of the Orchard Station development.

2. The Stonycrest Subdivision is located partially in Hilltown Township, but for the most part is located within Perkasio Borough. There are small portions of Stonycrest Court and Milliken Court which are being offered for dedication to the Township. Presently, a mutual maintenance agreement exists between the Borough of Perkasio and Hilltown Township concerning snow removal and roadway maintenance of these two streets.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-26 to accept Stonycrest Court and Milliken Court, located within the Stonycrest Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-27 to Declare Public Purpose for Stonycrest Court and Milliken Court, located within the Stonycrest Subdivision.

On this particular subdivision, there is a Maintenance Bond which will be filed at the Township during the maintenance period of the Stonycrest Subdivision.

3. The Class Subdivision was a somewhat complicated subdivision involving Mr. Class and the Doruozio family transferring land from one party to another. This also involved road frontage on Rt. 113 and Cherry Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-28 to accept the Declaration of Easement from Mr. and Mrs. Doruozio for the Class Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-29 to accept the Declaration of Easement from Mr. Class for the Class Subdivision.

One of the conditions of the Class Subdivision included a requirement that certain lands be consolidated, and those deeds were also prepared. Solicitor Grabowski's office will be taking the subdivision plan to the courthouse for recordation to insure it is accomplished properly. With that in mind, the Class lines must be signed and re-dated following this meeting.

4. The Anders Carpet Land Development is located on Rt. 309 and the applicant is proposing to construct a commercial structure. The applicant has entered into the appropriate Land Development Agreement and also a Financial Security Agreement, by which Union National Bank has pledged a cash escrow of \$35,929.56.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt **Resolution #93-30** to accept Dedication of Easement for Rt. 309 for the Anders Carpet Land Development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Financial Security Agreement and to authorize execution of the Land Development Agreement for the Anders Carpets Land Development.

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

1. Brickajlik Subdivision (Preliminary/Final) - This 5 lot subdivision is located on Old Bethlehem Road, Quarry Road and Forrest Road. Acreage of the five lots ranges from 7 acres to 10+ per lot. The property is partly wooded and partly farm land. All lots are proposed to contain single family dwellings and all lots are proposed to be served by on-lot water and sewer. The applicant has sought and received waivers from street improvements on Quarry Road, Old Bethlehem Road, and Forrest Road, due to the size of the lots, and the limited extent of the development. There are, however, proposed street trees and buffer plantings on all three roads where trees do not currently exist, in accordance with the Zoning Ordinance.

The Planning Commission recommended both preliminary and final plan approval, conditioned upon four items. Those four conditions include property pins and monuments as shown on the plan, be installed prior to plan recordation, buffer trees be guaranteed by way of an escrow agreement, an approved copy of the PennDot permit for the proposed Lot #5 driveway access to Old Bethlehem Road be submitted, and that the right-of-way area of Quarry Road, Old Bethlehem Road, and Forrest Road be dedicated to the Township, as is offered by note #7 on the plan. Unlike the easement that was just adopted by Resolution earlier, Mr. Wynn explained this plan actually began before the change from "dedication" to "easement" went into effect. Therefore, these lots reflect the dedication of the roadway, and are not set up for an easement. The plan has received Planning Module approval and approval from the Bucks County Conservation District. No plan items remain to be accomplished.



Page 9  
Board of Supervisor's Meeting  
March 22, 1993

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant preliminary and final plan approval to the Brickajlik Subdivision, pending completion of the four outstanding items, as mentioned above.

2. Visco Property - Waiver Request - The applicant was not present at this time.

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

1. Bernie Enterprises - Mr. Wynn stated the Township has received notification from Bernie Enterprises, that they have made application for a DER permit for a industrial stormwater discharge. This is pursuant to the new requirements to take effect April 3, 1993, which requires industries to have NPDS permits for stormwater discharge.

The information submitted to the Township was rather vague and did not clarify whether this is existing stormwater or proposed expansion. In any event, Mr. Wynn contacted DER regarding the notification in an attempt to obtain some additional information on what was being proposed. DER advised that as far as they can tell, nothing has been submitted to their office. It appears the Township has been notified of a permit application in order to give them the opportunity to review and make comments. As far as DER is concerned, however, as of today, unless it is "lost in the clerical section", nothing has been submitted. To obtain a DER permit, Mr. Wynn explained, you must prove to DER that both the local government and the County have been notified of a permit application being submitted to DER.

Mr. Wynn feels the Township should follow up in a week or two, and if the application is still not received by DER, written correspondence should be sent to Bernie Enterprises and to DER explaining that no application has been submitted for Hilltown Township's review.

2. State Farm Insurance - After the last meeting, Mr. Wynn believes members of the press spoke with various representatives of DER, and obtained some information the Township had not previously had. Mr. Wynn was informed that a report concerning the State Farm Insurance site has been submitted to DER by Law Environmental, the consultant for State Farm Insurance. This report, however, has not been made public at this point. DER advised that information is not considered "public information" until it has been reviewed and forwarded to their records department. DER explained that since it involves a Township approved project, if a request is made by the Township, DER would make arrangements for a review prior to the report's official public review.

Supervisor Bennington felt the Board owed it to the public to determine what exactly is in that report, and the Supervisors agreed. Mr. Horrocks and Mr. Wynn will visit DER's office to review the document as soon as it is permitted.

3. Fretz Enterprises Land Development - Mr. Wynn noted Fretz Enterprises Land Development Escrow Agreement is about to expire on April 9, 1993. Mr. Wynn contacted Carl Fretz, who has requested a period of 120 days to complete the project, and has indicated, in writing, that agreements have been made with Union National Bank to extend the Letter of Credit. Verification will be prepared as soon as it is complete. Due to the weather, and the construction taking place at the site, Mr. Wynn recommended the Township accept the 120 day time period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the 120 day extension from Fretz Enterprises Land Development.

K. RESIDENT'S COMMENTS -

1. Mr. Bill Godek asked if the records he inquired about at a previous Board of Supervisor's Worksession meeting had been found. In three different locations, and in three different offices and files, Mr. Horrocks found information concerning H & K Quarry, as well as the agreement between Hilltown Township and H & K Quarry, from 1972 through the mid-1980's. Mr. Godek asked if the exact correspondence for that entire segment of years, in boxes marked "1984 through 1987, A - C, D - J, L - S, and S - Z" still exist, intact. Mr. Horrocks believes that those boxes may have been re-packed and reorganized. One of the things the Township staff has been doing since Mr. Horrocks has been employed here, is attempting to get files out of banker's boxes, and into specific file cabinets. Mr. Horrocks could not find any boxes marked as such, though he did find one marked "F - Z" which did not, in fact, have inside what was marked on the outside of the box.

According to this new filing system, Mr. Godek asked how the information he inquired about might be filed now. Mr. Horrocks replied the Township is attempting to file all information by tax parcel number. Mr. Godek asked if Mr. Horrocks knew the tax parcel number for the quarry. Mr. Horrocks does not know, however he will research that for Mr. Godek.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Fox thanked the members of the Hilltown Township Public Works Department for the excellent job they did clearing the roads during the recent snow storm. Again, PennDot

Page 11  
Board of Supervisor's Meeting  
March 22, 1993

was a disappointment during the last two snow storms. Hilltown's road crew was out all night long, all weekend long, keeping Township roads open, even though the State roads were not. Supervisor Fox believes our road crew even plowed some of the State roads. Chairman Bennett added during the first few days of that storm, the Public Works Department worked 18 hours per day. The Board of Supervisors thanked and commended the entire Hilltown Township Public Works Department for their hard work and dedication during the blizzard of 1993.

2. Supervisor Bennington commented his children were upset with the recent changes to the cable channels.

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

**\*Chairman Bennett called a 10 minute recess at 8:20PM. The meeting was called back to order at 8:34PM.**

N. PLANNING - Continued -

2. Visco Property - Waiver Request - Mr. Mark Ullom, attorney for the applicant, Mr. Vincent Visco, was in attendance to present the plan. The site contains 3.3 acres and is located on Rt. 313. There is presently a driveway, with gravel extending back through to the rear of the property, which has been stabilized and has been in existence for quite some time. Mr. Ullom explained neither Mr. Visco nor his prospective tenant will be making any structural changes to the inside or the outside of the building. Mr. Visco intends to paint, renovate, and clean up the building on the inside, and to do whatever is necessary to bring the building up to Code standards. Mr. Visco will be renting the site to Mr. Mike Gamble, who wishes to utilize the building as a simple "boutique" for the sale of art work. Since it is a very small facility, Mr. Gamble plans to use the first floor of the building for exhibit space, and to utilize the second story for storage space only. The building has been vacant for some time, and is located within the PC-2 Zoning District, where this type of simple retail operation is permitted.

In speaking with Ms. Samantha Fellman, former part-time Zoning Officer, several weeks ago, Mr. Visco was advised that his submission constituted improvement to the property and therefore, would require the filing of a land development plan with the Township. Mr. Ullom felt the fee, the cost and the difficulty would be prohibitive for the use that Mr. Visco has in mind for the site.

Chairman Bennett asked if Mr. Visco has appeared before the Planning Commission with his request, and if so, what their

Page 12  
Board of Supervisor's Meeting  
March 22, 1993

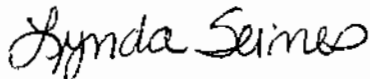
response was. According to Supervisor Fox, the Planning Commission felt that since no structural changes will be made to the building whatsoever, it was not necessary to require a land development submission.

Mr. Wynn explained the applicant's original letter indicated the property would be utilized as a small art gallery and antique shop. The Planning Commission noted that in the PC-2 Zoning District, only one principle use is allowed on the property. During discussion, the Planning Commission felt comfortable that it really was only one use, however they suggested that the applicant should narrow the description of use of the property on the Zoning Permit application. Mr. Ullom agreed that this would be done, so as to not create the false impression that there would somehow be a multiple use involved.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow relief from land development requirements to Mr. Vince Visco for his property located on Rt. 313.

O. ADJOURNMENT - Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the March 22, 1993 Board of Supervisors meeting at 8:47PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary