

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, December 28, 1992
7:30PM

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

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

Chairman Bennett announced the Supervisors met in Executive Session this morning at 9:00AM with the Township Solicitor to discuss legal matters.

A. APPROVAL OF MINUTES: Action on the minutes of the November 23, 1992 Board of Supervisor's minutes:

Supervisor Bennington stated he will abstain from voting on approval of the November 23, 1992 minutes due to his absence from that meeting.

Supervisor Fox noted an error on page 4, second paragraph, which should read "Mr. Wynn stated this idea is valid, however there is no guarantee that after top soil has been put down that it will pass perk."

Motion was made by Supervisor Fox, seconded by Chairman Bennett and carried unanimously to approve the minutes of the November 23, 1992 Board of Supervisor's minutes, as corrected. Supervisor Bennington abstained from the vote.

Action on the minutes of the December 14, 1992 Board of Supervisor's Worksession meeting:

Supervisor Fox noted two minor typographical errors - one on page 7, fourth paragraph, and one on page 12, third paragraph.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the December 14, 1992 Board of Supervisor's Worksession meeting, as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett stated there are two Bill's Lists for the Board's approval this evening. The first Bill's List is dated November 25, 1992 and totals \$26,554.87 of regular payments. Also included in this billing period was Debt Service payments in the amount of

1417
Page 2
Board of Supervisors
December 28, 1992

\$119,407.50, State Highway Aid payments in the amount of \$321.31, Escrow Fund payments in the amount of \$202.50, and the second payment to the Fire Companies, based upon the 3 mill Fire Tax, in the amount of \$42,600.00. The grand total of all bills is \$189,288.68. Of that total amount, Chairman Bennett explained, approximately \$162,000.00 were tax accounts which flowed in and out.

Supervisor Fox questioned the bill in the amount of \$38.00 for legal services from Drake, Hileman and Davis, and advised there has been no activity on that case for more than six months. Mr. Horrocks replied this bill goes back to the original Zoning Hearing and the review of paperwork between attorneys involved.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated November 25, 1992, subject to audit.

The second Bill's List is dated December 10, 1992, which totals \$20,035.04 of regular payments, with State Highway Aid in the amount of \$693.95, for a grand total of \$20,728.99.

Chairman Bennett questioned the bill from Plasterer Equipment in the amount of \$828.26 for replacement of cab window glass. Mr. Horrocks explained a side windshield on the backhoe had to be replaced after it literally fell out while work was taking place at the park. The cost to replace the glass was so high because it was special curved safety glass with mirrors bracketed onto the glass. Due to the relatively young age of the backhoe, Chairman Bennett recommended Mr. Horrocks research the dealer's warranty for replacement of the glass.

Chairman Bennett also questioned a bill in the amount of \$191.27 from Viking Office Products to purchase a chair. Mr. Horrocks replied the chair was purchased for an administrative employee who has experienced a history of back problems.

Chairman Bennett asked why the T.E.S.T. Team contribution check was made payable to Chief Bickle. Chief Egly explained Chief Bickle is the treasurer of that organization, and checks are made payable to him. Mr. Horrocks noted an invoice was received stating checks were to be made payable to Chief Bickle.

Supervisor Fox noted a bill for a basketball pole, backboard and rim from Future Pro, Inc. in the amount of \$1,115.03 and asked if this merchandise has been received. Mr. Horrocks replied the products have arrived, however they have not yet been installed.

Page 3
Board of Supervisors
December 28, 1992

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated December 10, 1992, 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 December 28, 1992:

General Fund Checking Account	\$ 100,007.76
Payroll Checking Account	\$ 105.46
Fire Fund Checking Account	\$ 50,468.29
Debt Service Checking Account	\$ 895.88
State Highway Aid Checking Account	\$ 61,210.29
Escrow Fund Checking Account	\$ 108,239.85

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated December 28, 1992.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. Eric Tobin - Quiet Acres Mobile Home Park - When the final plan for land development of Quiet Acres was originally approved, Mr. Tobin stated it was anticipated that public water would be available. The applicant still anticipates that public water will be available, however they are not sure when, due to the litigation which is pending. Mr. Tobin explained Quiet Acres would like the ability to move ahead with the development as soon as financing is obtained, believing it is imperative that improvements to the original section of the mobile home park be commenced as soon as possible. Therefore, Mr. Tobin is present this evening to request that final approval be amended to permit Quiet Acres to utilize it's private, existing wells until such time as public water is available. When public water does become available, the wells will be abandoned and connections to public water will be utilized.

Supervisor Fox had no problem with this request, as long as there is assurance that when public water becomes available, the applicant connects within a reasonable amount of time. Mr. Tobin agreed, explaining that the applicant is not looking to avoid connection to public water, rather it is Quiet Acre's hope that all issues would be resolved before they are ready to connect to public water. However in the event that the timing is such that the development is ready before public water is available, Quiet Acres would like the ability to utilize their private wells in the interim.

Solicitor Grabowski commented the private water system, as it now exists, is under the supervision and jurisdiction of the Bucks County Board of Health and the Pennsylvania Department of Environmental Resources. Obviously, Mr. Tobin stated, any permits that are necessary would be sought and obtained before the existing wells would be utilized. Solicitor Grabowski asked if Mr. Tobin would have any objections to having, as part of the Board's condition for allowing use of the private wells, a condition that it would be under the supervision of any applicable County or State agency. Mr. Tobin absolutely agreed to this condition. Solicitor Grabowski explained a motion would be needed by the Supervisors to provide for an amendment to the final plan approval of Quiet Acres Land Development application.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to provide for an amendment to the final plan approval of Quiet Acres Land Development, stipulating that until public water becomes available in that area, the applicant may utilize existing wells on the site, and this shall be done under the supervision of any applicable County or State agency, such as the Bucks County Board of Health and Pennsylvania DER.

2. Mr. Samuel Pierce - Donation for Pierce Library - Mr. Pierce was not in attendance at this time.

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

1. Mr. Horrocks presented the following ten Escrow Releases for the Board's approval, two of which are cash held Township funds, with the remaining eight being Letters of Credit.

Deerfield	Voucher #33	\$ 304.85
Freed	Voucher #03	\$ 250.00
Fretz Land Dev.	Voucher #01	\$ 607.75
Orchard Station	Voucher #26	\$80,505.72
Orchard Station	Voucher #27	\$11,834.45
Orchard Station	Voucher #28	\$ 968.90
Solar Atmospheres	Voucher #08	\$ 161.40
Solar Atmospheres	Voucher #09	\$ 8,500.17
State Farm	Voucher #01	\$ 468.90
Stone Subdivision	Voucher #05	\$ 81.60

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

2. Mr. Horrocks asked the Board to entertain a motion for the approval of a transfer of \$5,000.00 from the Escrow Account to the General Fund, which is excess interest for 1992.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to transfer \$5,000.00 from the Escrow Account to the General Fund, which is excess interest for 1992.

3. Mr. Horrocks presented the final draft of the 1993 Budget. Chairman Bennett asked if there were any revisions from what was presented to the public two weeks ago. Mr. Horrocks replied there are no changes of any significance from what was presented on December 11, 1992. The only pending decision to be made by the Board is a choice between the two options offered by the independent auditing firm, if the Board wishes to hire an independent auditing firm. The choices for an independent audit includes a one year commitment at the cost of \$11,500.00 for 1992, or a three year commitment at \$9,000.00 the first year, \$9,500.00 for the second year, and \$9,950.00 for the third year. If the Board were to chose the three year option, and then cancel out on any one of those years, the difference would be payable back to the independent audit firm.

Chairman Bennett asked how binding the three year contract would be. Supervisor Bennington commented Hilltown Township received approval from the courts for a one year auditing service only, not for three years. However, if the Board were to vote in the three year commitment, the contract can be broken, though the \$2,500.00 fee would still have to be paid to the independent audit firm. What Supervisor Bennington felt was very interesting is that if the Township approved the one year commitment, there will be a cost of \$11,500.00. Yet if the Township approves the three year commitment and at the end of the first year decides to break the contract, the fee for the first year will be \$9,000.00 plus \$2,500.00 for a total of \$11,500.00. Supervisor Fox noted the Township could still appeal to the court next year for another independent audit. Solicitor Grabowski explained there are provisions in the Township Code which states that in subsequent years, after the first year of receiving court approval, the Township can, by adopting a Resolution, continue on with that independent auditor. Solicitor Grabowski noted the Board would have that ability next year, if they wished to enter into the second year of the contract with the independent auditor, without again petitioning the court.

From previous discussions, Chairman Bennett felt the Board was in general agreement to hire an outside auditor, however there is still a question of agreeing to the one year audit, or the three year auditing contract. At this point, Supervisor Bennington felt that was a moot point, since the Township will be paying the same price, whether the contract is broken or not. It was Supervisor Bennington's opinion that the Board go with the three year commitment in order to get the cheaper price at this time. Supervisor Fox noted the problems the Township has experienced in the recent past, in their attempts to recruit three elected

auditors. Chairman Bennett explained Hilltown Township presently has one vacant position on the Board of Auditors, despite several advertisements to fill that position. He believes the problem lies with the fact that "working" auditors experience their busy tax season until April of each year, and the Township audit must be conducted between January 6th of each year until March of each year. Therefore, most people with accounting experience do not have the time to basically be a "volunteer" auditor during the first three months of the year. There is also the fact that the Second Class Township Code only allows payment to the elected auditors in the amount of \$6.00 per hour.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to sign a three year agreement with Niessen, Dunlap and Pritchard for auditing services.

Upon approval of the three year auditing service agreement, Mr. Horrocks commented the only change to the budget draft dated December 11, 1993, would be the reduction of auditing services from \$11,500.00 to \$9,000.00. The \$2,500.00 difference would then be placed in the Contingency Account.

Chairman Bennett has personally contacted approximately ten different municipalities contiguous to Hilltown Township, and discovered that nine of the ten municipalities use Niessen, Dunlap and Pritchard. They are a very responsible firm, based in Montgomeryville, and had previously been hired to audit Hilltown Township for the year 1989. Chairman Bennett explained public auditing of a Township or Borough's funds has not been legally mandated since 1985, which was the last time municipalities received any federal sharing of funds.

Regarding the budget, Mr. Horrocks stated the Contingency Account would now be shown as \$47,192.00, with a total budget of \$2,344,316.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1993 Budget as stated by Mr. Horrocks, Township Manager.

G. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented two Resolutions on the Calvin Weikel minor subdivision, which is a two lot subdivision located on Callowhill Road. The first Resolution, #92-42, is to accept the dedication, and the second Resolution, #92-43, is to declare public purpose.

Page 7
Board of Supervisors
December 28, 1992

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-42, Deed of Dedication for the Calvin Weikel Subdivision, and to adopt Resolution #92-43 to Declare Public Purpose for the Calvin Weikel Subdivision.

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

1. Rockhill Veterinary Clinic (Final) - Mr. Wynn explained the Supervisors approved the preliminary plan in July of this year, for the proposed conversion of a home to a veterinary clinic. The site is located on Bethlehem Pike in the Commercial district, near Green Thumb Nursery. The existing ranch home is proposed to be expanded and enlarged. The site will be serviced by on-site water and sewer. Preliminary plan approval was subject to many outside agency approvals, most of which have been accomplished since July. The Planning Commission has recommended approval, subject to only three items, including dedication of Bethlehem Pike, execution of the Escrow Agreement to guarantee public improvements, and some very minor drafting details.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Rockhill Veterinary Clinic, pending completion of the conditions as stated by the Planning Commission and Mr. Wynn's engineering review letter.

2. Haberle Subdivision - The applicant is proposing to subdivide two parcels into three, with one new lot being created, which will front on Fairhill Road. Lot #2, containing 8.4 acres, will be the new building lot. Lot #1 will contain 3.8 acres and an existing home. Lot #3, located to the rear of the property, will consist of 8.6 acres with an existing home and is actually a consolidation of two parcels. All lots will be serviced by on-lot water and sewer. By majority vote, the Planning Commission recommended both preliminary and final plan approval of this subdivision, with a waiver of street improvements along Fairhill Road, and conditional upon a few items. One is that the correct common species names of the trees which have already been installed in the buffer yard along Lot #2 be shown on the plan. Mr. Wynn explained the trees installed are actually not of the species as currently shown on the plan. The remaining conditions include dedication of the right-of-way of Fairhill Road, that the erosion and sedimentation control measures as proposed, be received from the Bucks County Conservation District, and receipt of Planning Module approval.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary and final plan approval to the Haberle Subdivision, based upon completion of the conditions, as stated.

3. County Line Shopping Center - Mr. Wynn advised this is a preliminary plan for construction of a retail store in the County Line Shopping Center. This store is proposed to be built in the grassed area along Rt. 113, between the bank and the car wash. The site is located immediately across the street from Souderton Square Shopping Center on Rt. 113. In addition to the preliminary plan for the store, Mr. Wynn noted the plan is also a conceptual plan for improvements to the shopping center itself, which is shown on the first sheet of the plan. The overall improvements to County Line Shopping Center are not included in the initial phase of this plan. What is actually before the Board for preliminary approval this evening is the plan for construction of the retail store. One of the conditions of recommendation of preliminary approval deals with the fact that during the first phase construction of the retail store, impervious surface on the site will actually increase. It is already above the limits permitted by zoning so that there would be an increase in the extent of the non-conformity of the site. The future phase of the project is proposed to reduce the impervious surface to below what currently exists, closer to conformity. One of the recommendations of the Planning Commission for approval of this plan is that an acceptable agreement be entered into between the applicant and the Township concerning the impervious surface issue. A draft of the proposed agreement has been forwarded by the applicant's attorney for discussion purposes, though at this point, the Township Solicitor has not reviewed the agreement in depth. The plan proposes installation of curb and a retention basin along the frontage of the site, and improvements as far as removal of impervious surface to the rear of the site. In addition to the agreement concerning impervious surface and phasing of the project, other conditions specified by the Planning Commission consist of supplying five additional buffer trees to be installed along the frontage of the site within the Class A Buffer area, resolution of a stormwater management study in a manner satisfactory to the Township, approval of erosion and sedimentation control measures by the Bucks County Conservation District, Planning Module approval by DER, verification of payment of all fees for water by the North Penn Water Authority, and sewer by the Borough of Souderton, execution of an Escrow Agreement to guarantee the installation of public improvements, and a number of minor drafting items. The improvements to the existing parking area are proposed as a future phase.

Supervisor Bennington asked if sprinklers will be reviewed by the Souderton Fire Company. Mr. Wynn replied those are requirements of the B.O.C.A. Code and will be reviewed at the time of building

Page 9
Board of Supervisors
December 28, 1992

permit application.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the preliminary plan for County Line Shopping Center, based upon the conditions as specified by the Planning Commission, particularly those concerning the impervious surface issue and the Escrow Agreement.

4. Jakubowitch Subdivision - This is a minor subdivision located at Park Road and Church Road, with the majority of the property actually fronting on Park Road. The plan proposes to subdivide Lot #1, which contains the existing house, septic system and other improvements. Lot #2 is the balance of the property and contains 16.8 acres of land area, which is not proposed for development at this time. The applicant has requested a Form B Waiver from DER for Planning Modules for Lot #2. Because of the nature of the subdivision, the plan received recommendation for a waiver of street improvements by the Planning Commission. The plan was also recommended unanimously for final plan approval, subject to dedication of Church Road and Park Road right-of-way, which has been offered on the plan, installation of property pins and monuments, approval from the Bucks County Health Department for DER Form B Waiver, and some minor drafting issues. The applicant was present at the last Planning Commission meeting, and had indicated he experienced difficulty with the Bucks County Health Department with respect to receipt and execution of the Form B Waiver request. The Bucks County Health Department has apparently required the applicant to install a new septic system due to the Health Department loss of the applicant's permit records. Mr. Wynn explained that is a matter between the applicant and the Bucks County Department of Health, but rather than having continuation of extensions on this subdivision, the Planning Commission has made that approval one of the conditions of the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the final plan for the Jakubowitch Subdivision, with the conditions as specified by the Planning Commission, particularly the Bucks County Health Department approval.

5. Gro-N-Sell Land Development - Mr. Wynn stated this plan proposes to construct a greenhouse on the site located on Callowhill Road, which had received a Zoning Hearing Board approval for use several years ago. The proposed initial phase of the greenhouse construction consists of a 45,200 sq. ft. building, with a future phase to add an additional 38,300 sq. ft. building. In addition to the greenhouse, a dwelling is proposed to be constructed, and a retention basin is proposed to control stormwater run off, which will also be a permanent pond located along the frontage of the site. The retention basin, when filled

to it's permanent water level, will have a depth of 5 ft., which will increase temporarily during intense storms. In addition to the grading, stormwater management and other items, there is a significant amount of landscaping along two of the boundaries, which includes some along the road, as required by zoning, and some along the adjoining property line. Mr. Wynn noted this is the former Leidy Grass Subdivision. The applicant requested several waivers, most of which were agreed to by the Planning Commission. One, however, was not agreed to by the Planning Commission and that is the request of a waiver of curbing and widening along Callowhill Road. The applicant was also directed to revise the plan by showing stormwater improvements, grading and shaping of the shoulder area, extension of the 30" pipe along the frontage of the site and basically doing improvements to the road, as had been required by the adjoining residential subdivision. The applicant also requested waiver of requirement for paving the internal driveways and parking areas on the site. This plan was revised after the Planning Commission indicated they would not favor that waiver request. With their latest resubmission, the applicant indicated to the Planning Commission that they would appeal to the Board of Supervisors concerning the waiver request for paving of the internal driveways and parking areas. The applicant, however, does not appear to be in attendance to plead his case this evening. The Planning Commission recommended that the waiver request not be granted, and that driveways and parking areas be required to be paved.

Supervisor Fox stated the Gro-N-Sell proposal is actually a Commercial operation, which the applicant admitted. Just because the site is located in a Rural Residential area, and has received permission to be in that area by a Zoning Hearing Board decision, Supervisor Fox does not believe it excuses the applicant from completing those issues which are required.

Mr. Wynn stated what further complicates the Board's consideration of this waiver request is the fact that neither the applicant or his engineer are present this evening to make this request. Both the applicant and his engineer were present at the last Planning Commission meeting and were informed that their plan proposal would be on the agenda this evening.

Supervisor Bennington asked Mr. Wynn for reasons as to why the Board would require the applicant to pave the driveways and parking areas, as opposed to placing stone in those areas. At a minimum, Mr. Wynn replied, the applicant should be required to pave the entrance drive along the neighboring Heckenberger property, in order to control noise and dust at the entrance. Beyond that, Mr. Wynn believes it is a policy decision as to whether the Board wishes to have the driveways and parking areas paved. Solicitor Grabowski asked the Planning Commission's reasons for requiring the

applicant to pave the entire site. Mr. Wynn replied the Planning Commission felt that although this is considered an Agricultural use by the Zoning Ordinance, it is actually a commercial operation, and since it is commercial, it should require paved parking and driveway areas. Supervisor Bennington suggested a compromise of requiring the applicant to pave the entrance driveway at this time, and when the applicant constructs the future greenhouse, the remaining areas must be paved. Supervisor Fox asked why the Board should compromise, since the applicant is proposing a Commercial and Industrial operation within a Rural Residential Zoning District. Supervisor Bennington noted that the Zoning Hearing Board's decision ruled that the operation is Agricultural, not Commercial. Supervisor Fox did not agree with the Zoning Hearing Board's decision. Solicitor Grabowski asked if the impervious surface calculation is affected. Mr. Wynn replied it will not affect the stormwater run-off at all. Discussion took place concerning the amount of truck traffic the site might see per day.

Motion was made by Supervisor Bennington to grant preliminary plan approval to the Gro-N-Sell Land Development, based upon the conditions as specified by the Planning Commission, including the requirement to pave the entire site, as opposed to the waiver requested by the applicant, but reserving the right to reverse the decision regarding the paving issue at final plan approval based upon information provided at that time. Supervisor Fox refused to second that motion, stating his support of the Planning Commission's recommendation. Supervisor Fox further commented that the Board should not make exceptions for certain Commercial or Industrial operations, especially those located within a Rural Residential Zoning District. If the applicant were located in a Light Industrial area, they would be required to complete the paving as specified. Chairman Bennett seconded that motion. Supervisor Fox abstained from the vote.

6. Stoltz Subdivision - This minor subdivision is located on Rt. 113, south of Blooming Glen. The site contains an existing farmhouse, barn and outbuildings. The farmhouse is currently a two unit dwelling. The proposed subdivision will create two lots. Lot #1 consisting of 45 acres, is not proposed for development at this time. The applicant is also seeking DER Form B Waiver approval for Planning Modules for Lot #1. Lot #2 is proposed to contain the existing farmhouse, barn and other outbuildings, and will consist of approximately 12.7 acres. Currently, the applicant is upgrading the septic systems on Lot #2. The applicant has indicated that the purpose of the subdivision is to split the property among the owners. Mr. Wynn explained much of what is shown as Lot #2 is potential wetlands and floodplain, although the shaded area on the plan is based upon soils mapping and not a hydraulic certification.

The Planning Commission unanimously recommended approval of the final plan, subject to four conditions. One of the conditions is the consideration of street improvements along Rt. 113 at this time. It will be noted on the plan that in the event that Lot #1 is further subdivided, street improvements, as determined by Subdivision/Land Development regulations, may be required across the frontage of both Lots #1 and #2. Other conditions include DER approval for Form B Waiver request executed by the Bucks County Health Department, that property pins and monuments as shown on the plan be installed and certified by a responsible surveyor, and that Rt. 113 right-of-way be dedicated to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the final plan for the Stoltz Subdivision, based upon the conditions as specified by the Planning Commission.

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

1. Solar Atmospheres - At the Board's November meeting, Mr. Wynn had reported that Solar Atmosphere's maintenance period was expiring, with some items remaining which must be rectified. These items included removal of the tree braces on the buffer yards and street trees, as well as patching the curb. These items have since been accomplished and Mr. Wynn recommends that Solar Atmospheres be released from further maintenance requirements, as provided for in the Security and Escrow agreements. Everything has been completed and the 18 month maintenance period has elapsed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to release Solar Atmospheres from further maintenance requirements, as provided for in the Security and Escrow agreements.

2. Schade Subdivision - The Schade Subdivision is located on Green Street and Rickert Road, and had a number of required improvements which were guaranteed through a Financial Security Agreement. Those improvements consisted of some drainage improvements along Rickert Road, as well as buffer and street tree plantings along both Rickert Road and Green Street. Originally the improvements were to be completed by December 31, 1991, however last year, an extension was requested by the applicant, and a Letter of Credit was extended to December 31, 1992. To date, Mr. Wynn noted that none of the improvements have been started by the applicant. Mr. Wynn advised the applicant by correspondence dated November 19, 1992, that the expiration date was the end of this month and requested that they inform the Supervisors of their intentions. Mr. Wynn has not received notification from the applicant, and as such, would recommend that both the applicant and the bank be advised that a six month extension and a Letter of

Page 13
Board of Supervisors
December 28, 1992

Credit should be received and improvements completed by June 1, 1993.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to request a six month extension (until June 30, 1993) for the Schade Subdivision, with the stipulation that if the extension is not received, the Letter of Credit will be declared in default by December 31, 1992.

3. Freed Subdivision - The Freed Subdivision is located on Church Road and had an Escrow and a Maintenance requirement for some street trees. There were two street trees which had died and required replacement, which has been accomplished. The 18 month maintenance period has elapsed. Mr. Freed has requested that the Township accept the completion of the maintenance period.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously to accept the completion of the Freed Subdivision maintenance period.

4. BFI Status Report - Mr. Wynn explained the BFI project included a substantial number of required public improvements which consists of street improvements to both Reliance Road and Bethlehem Pike, as well as construction of a retention basin and buffering on the site. Also required of BFI was a contribution toward gabion installation at the Reliance Road bridge, which the Township has received, in the amount of \$7,500.00, and installation of a traffic signal at Reliance Road and Bethlehem Pike. At this point, Mr. Wynn explained, the agreement for completion of public improvements expires on January 19, 1993. All the public improvements required by the plan have been completed, with the exception of the traffic signal. As the Board may recall, it was required that BFI must be in operation before the warrant study could be completed, to determine whether or not the signal could be installed at that intersection. Recently, PennDot indicated that the intersection qualified for a traffic signal. Mr. Wynn's office is preparing a condition diagram which is necessary for PennDot's design of the traffic signal. Once PennDot has completed their traffic signal design, which should be sometime in the spring or early summer of 1993, the applicant can then secure a contract to install the traffic signal. At this point, Mr. Wynn recommends that the maintenance period, which is two years at the request of the applicant, be commenced for BFI, including a reduction in the escrow amount to the 10% retainage, plus the \$100,000.00 that was earmarked for the design and construction of the traffic signal. The applicant will then be required to supply a revised Letter of Credit in that amount.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to commence the maintenance period for

BFI, with a reduction in the escrow amount to the 10% retainage, plus the \$100,000.00 that was earmarked for the design and construction of the traffic signal.

5. Another item Mr. Wynn mentioned pertains to the County Line Shopping Center plan which was discussed earlier this evening. The County Line Shopping Center has a connection to public sewer, and those Planning Modules require a Resolution by this Board for approval. The Resolution is for the connection of the new building to the Souderton Borough sewer system, and has been recommended for approval by the Planning Commission. Since the plans have now received preliminary approval, Mr. Wynn stated it would be appropriate to also approve a Resolution concerning the Planning Modules.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-44 for Planning Module approval for County Line Shopping Center.

K. RESIDENT'S COMMENTS - None.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Fox noted the prompt paying of Township bills, which is quite a difference from a few years ago, when bills remained unpaid for several months under a former administration. Supervisor Fox attributes this to the efforts of the Township Manager.

2. Supervisor Bennington stated that during prior budget processes, he spent a great deal of time here at the Township building, reviewing numerous budget proposals with the past two Township Managers. This year, the budget process has been a pleasure and Supervisor Bennington thanked Mr. Horrocks for the hard work he put into preparing the 1993 Budget.

Also, when Supervisor Bennington became a Supervisor approximately three years ago, the Township was in sad shape, however he is now very impressed with the Police force, the Public Works Department and the Administrative staff of Hilltown Township. Supervisor Bennington believes the Township now has a staff of employees who are making a concerted effort to do what is best for Hilltown Township, and feels that we have come a long way since he first took office. Supervisor Bennington publicly thanked the Hilltown Township employees for their efforts.

3. Chairman Bennett agreed with the comments made by Supervisors Fox and Bennington, and feels the Township is in much better shape than it was a few years ago.

Page 15
Board of Supervisors
December 28, 1992

Chairman Bennett mentioned a letter received from Quakertown Borough regarding Suburban Cable's proposed rate hike, which had briefly been discussed at a prior meeting. Quakertown Borough Council, as well as some other surrounding municipalities who are serviced by Suburban Cable, have passed a Resolution acknowledging their displeasure with the cable television rate hikes. According to Quakertown Borough's calculations, Suburban Cable has increased their rates 91% since 1987. Chairman Bennett recommended that the Supervisors pass a similar Resolution.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-45 to express the Board's displeasure concerning increasing Suburban Cable television rates, on behalf of the citizens of Hilltown Township.

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 December 28, 1992 Board of Supervisor's Meeting was adjourned at 9:25PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary

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

C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering
211 West Broad Street
Quakertown, PA 18951

(215) 536-7547
(215) 536-7336

Memo To: Hilltown Township
From: C. Robert Wynn Associates, Inc.
Subject: Escrow Release Summary
Date: December 28, 1992

1. Deerfield - Authorization Voucher No. 33 dated December 10, 1992 in the amount of \$304.85 for const. obs./esc. admin. for period from 10/1/92 thru 11/30/92.
- *2. Freed - Authorization Voucher No. 3 dated December 4, 1992 in the amount of \$250.00 releasing balance of escrow retainage.
3. Fretz Land Development - Authorization Voucher No. 1 dated December 23, 1992 in the amount of \$607.75 for const. obs./esc. admin. for period from 9/25/92 thru 11/30/92.
4. Orchard Station - Authorization Voucher No. 26 dated December 21, 1992 in the amount of \$80,505.72 for paving, sidewalk, erosion control, street trees, and traffic control.
5. Orchard Station - Authorization Voucher No. 27 dated December 21, 1992 in the amount of \$11,834.45 for contingency.
6. Orchard Station - Authorization Voucher No. 28 dated December 23, 1992 in the amount of \$968.90 for const. obs./esc. admin. for period from 11/1/92 thru 11/30/92.
7. Solar Atmospheres - Authorization Voucher No. 8 dated December 23, 1992 in the amount of \$161.40 for const. obs./esc. admin. for period from 11/1/92 thru 12/23/92.
8. Solar Atmospheres - Authorization Voucher No. 9 dated December 23, 1992 in the amount of \$8,500.17 for release of retainage.
9. State Farm - Authorization Voucher No. 1 dated December 28, 1992 in the amount of \$468.90 for const. obs./esc. admin. for period from 9/1/92 thru 11/30/92.
- *10. Stone Subdivision - Authorization Voucher No. 5 dated December 23, 1992 in the amount of \$81.60 for const. obs./esc. admin. for period from 9/1/92 thru 11/30/92.

* Township held escrow account.