

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

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:32PM 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
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.

A. APPROVAL OF MINUTES -

Action on the minutes of the August 24, 1992 Board of Supervisor's Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 24, 1992 Board of Supervisor's meeting, as submitted.

Action on the minutes of the September 14, 1992 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 September 14, 1992 Board of Supervisor's Worksession Meeting, as submitted.

B. APPROVAL OF CURRENT BILLING -

Chairman Bennett stated there are two Bill's Lists for the Board's approval this evening. The first is dated September 2, 1992 and totals \$24,150.38 of regular payments, with State Highway Aid payments in the amount of \$53,670.89, for a grand total of \$77,821.27.

Supervisor Bennington questioned the bill in the amount of \$14.75 for travel expenses for the Code Enforcement Officer. Supervisor Bennington was under the impression that Mr. Applegate utilized a Township vehicle and therefore would not be reimbursed for mileage. Mr. Horrocks replied the Township vehicle was in the shop for one day of service, which necessitated use of the Code Enforcement Officer's own vehicle.

Chairman Bennett noted the largest item on this particular Bill's

1328

Page 2
Board of Supervisors
September 28, 1992

List was a payment for medical benefits to Independence Blue Cross in the amount of \$10,233.00. Chairman Bennett advised the largest item on this particular Bill's List was a payment for medical benefits to Independence Blue Cross in the amount of \$10,233.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated September 2, 1992, subject to audit.

The second Bill's List is dated September 16, 1992 and totals \$23,354.59 of regular payments, with Fire Protection Fund payment in the amount of \$1,177.53, for a grand total of \$24,532.12.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated September 16, 1992, subject to audit.

Chairman Bennett commented that four or five years ago, Hilltown Township's reputation was not very good concerning paying their bills in a timely manner. For the past two years, however, bills are being paid promptly and the Township is taking advantage of all discounts when available.

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

Mr. Horrocks presented the Treasurer's Report with the following balances, as of September 24, 1992:

General Fund Checking Account	\$165,210.63
Payroll Checking Account	\$ 67.55
Fire Fund Checking Account	\$ 89,631.35
Debt Service Checking Account	\$117,469.31
State Highway Aid Checking Account	\$ 77,585.53
Escrow Fund Checking Account	\$115,424.10

Mr. Horrocks presented a comparison of Revenues for the first eight months of 1991 versus the first eight months of 1992, along with Expenditures for the same time period.

Revenues have increased by \$152,283.00. This year, the Township has received \$1,325,576.00 in revenues, to date. Expenditures have also gone up, but only by 3.8%, to \$1,269,917.00, which is an additional \$46,714.00, as of the end of August, 1992. Revenues are up approximately 13% over last year.

Chairman Bennett commented the largest of the total revenues is \$1,325,576.00, of which almost half of that amount comes from the Earned Income Tax. This is up approximately \$37,000.00 or 6.7% over last year.

Concerning expenditures, the telephone costs are down approximately \$3,000.00, and legal services are down approximately \$15,000.00. Additionally, dental costs are up \$6,000.00, and police overtime is down approximately \$29,000.00, over last year.

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

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

1. The Township is in receipt of nine letters of interest for the vacant position on the Planning Commission. Mr. Horrocks will forward a copy of each letter to all Planning Commission members for their review. Ten minute interviews for all applicants will be scheduled for Monday, October 5, 1992 with the Planning Commission members. The Planning Commission recommendations will then be reviewed by the Board of Supervisors, and a decision will be rendered at the October 26, 1992 Board of Supervisor's meeting. Of the nine applications, Mr. Horrocks advised there were three that expressed an interest in serving on any Township committee. There are two vacant positions on the Recycling and Environmental Committee, as well.

2. Two of the three members of the Board of Auditors have expressed interest in attending the Bucks County Association of Township Officials semi-annual convention to be held on Thursday, October 15, 1992. At the last meeting, Chairman Bennett and Mr. Horrocks were approved to attend this convention. Mr. Horrocks is seeking the Board's direction on the Auditor's request. The Board was in agreement to allow the two Auditors to attend the Bucks County Association of Township Officials semi-annual convention.

3. The Township has received an estimate of 1993 Liquid Fuels money in the amount of \$188,213.00. This is an increase of \$13,022.00 over what was received in 1992.

4. Volunteer Fire Relief money was received from the State for 1992 on September 21, 1992 in the amount of \$56,840.00. One year ago, the Township received \$55,208.00. The Township has 60 days to distribute this money to the seven responding fire departments serving Hilltown Township. The Fire Commission will be asked to determine if any change of distribution will occur from prior years. Mr. Horrocks will contact Mr. Jack Morgan, Chairman of the Fire Commission, to schedule a meeting of that committee within the next 30 days.

5. Even though an ad has not yet been placed in the local newspaper, the Township has already received two formal applications for employment for the position of the part-time Zoning Officer. The position will be available in 1993.

6. Mr. Horrocks requested the Board's authorization to advertise for possible action to be taken for the opening and awarding of Fuel Bids at the October 12, 1992 Board of Supervisor's Worksession.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize advertisement for possible action to be taken at the October 12, 1992 Board of Supervisor's Worksession for the opening and awarding of Fuel Bids.

7. Mr. Horrocks presented the following Escrow Releases for the Board's approval. All accounts are bank held.

Browning-Ferris Industries	Voucher #12	\$ 437.83
Orchard Station	Voucher #23	\$26,004.28
Orchard Station	Voucher #24	\$ 408.38
Pleasant Meadows III	Voucher #25	\$ 129.23
Sterling Knoll Phase II	Voucher #48	\$ 294.90

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

8. At a previous meeting, Mr. Horrocks mentioned completion of the Emergency Management Plan of Hilltown Township, as prepared by Mr. Grunmeier and Mr. Tuttle. Mr. Horrocks is requesting Board approval of a Resolution to adopt the Emergency Management Plan, as submitted. The Board directed Mr. Horrocks to copy the plan for their review.

F. CONFIRMED APPOINTMENTS -

1. Mr. Christopher Schubert - Roach Subdivision - Mr. Schubert was present this evening, on behalf of Mr. Robert Roach and the proposed subdivision located across the street from this Township building. The subdivision has traveled a long road, including condemnation proceedings and various zoning appeals, which were resolved approximately one year ago by the Commonwealth Court.

Currently, Mr. Schubert explained, the real estate market is very poor, and therefore Mr. Roach has no intention of moving forward with the development at this time. The subdivision is a 33 lot cluster development, with premium type lot configuration. The homes intended to be constructed in this are presently not selling very well. As a result, Mr. Roach still has the development plans tabled for that subdivision. There is an existing farmhouse on the site, located directly across the street from the Township building, which is Lot #33 of the proposed subdivision. Mr. Roach is requesting the Board's input on his desire to sell off just that

Page 5
Board of Supervisors
September 28, 1992

lot, without actually having to move forward with the balance of improvements on the property. Prior to this meeting, Mr. Schubert spoke briefly with Mr. Wynn concerning Mr. Roach's request. If the Board would review Mr. Roach's request favorably, Mr. Wynn suggested "phasing" of the project. Currently, the plan has received conditional final plan approval. Mr. Roach is now proposing two phases for the project. Phase I would be for the improvements pertinent to just Lot #33, and Phase II is proposed to be the improvements to the balance of the project. Completion of Phase II would naturally take place within the vested rights period which Mr. Roach has been granted by virtue of the present approvals on the project.

Chairman Bennett replied the previous Board of Supervisors did their best to accommodate Mr. Roach by giving him a lengthy extension of five years on that development. Chairman Bennett feels the present Board of Supervisors would not have been so generous with their approval. Six or eight months ago, this Board asked Mr. Roach to consider installation of the sewage portion of the proposed development, since this Township building is still operating with holding tanks. Completion of public sewer installation for this area is contingent upon the Roach development. Mr. Roach advised he was not interested in the Township's proposal at that time.

Supervisor Fox asked if Mr. Roach would consider a set of improvements on Lot #33, including running the sewer line directly, according to the plan that was approved by the Township. At present, the Township's cost for sewage disposal via the holding tank is approximately \$7,000.00 per year. If the applicant were agreeable to this suggestion, Supervisor Fox would then give consideration to Mr. Roach's request as expeditiously as possible.

Mr. Schubert has two ideas for handling the sewage. One would be to run the temporary sewer line, which had been discussed previously, and the second idea would be to actually complete the improvements pursuant to the subdivision plan. The latter, obviously, would be more costly for Mr. Roach, however, Mr. Schubert noted, if it is Mr. Roach's intent to develop the property at some point in the future, those improvements would be required to be completed anyway. Since it seems that the sewer line is a pivotal issue, Mr. Schubert asked the Township's reaction to the temporary sewer line being installed, as opposed to the actual construction of improvements. Mr. Schubert is assuming that as long as the sewer line is placed, whether it be the temporary or the permanent line, it would be satisfactory to the Township.

Supervisor Fox asked if the temporary line was a small gauge pressure line, and Mr. Wynn agreed that it was. Supervisor Bennington was amenable to installation of the temporary sewer

line, as long as it would alleviate paying \$7,000.00 for the pumping of the holding tank. Supervisor Fox stated if the Authority feels that installation of the small gauge temporary line would be sufficient until that property is developed, he would be agreeable.

It was Mr. Schubert's understanding that once the temporary sewer line was installed, it would just be left there, not removed when the permanent line was installed. Mr. Wynn stated this issue was previously discussed in greater detail with Mr. Tom Wynkoop of the Water and Sewer Authority. Mr. Wynn did not have any input concerning this issue, however he thought the temporary line would be removed once the permanent line was installed, since the temporary sewer line would be located in the way of building foundations.

Solicitor Rice asked if there was a need for a lift station, regardless of what type of line is installed. Mr. Wynn replied that there is a need, however there are two different types of lift stations. One would be just enough to force a small flow from this building. The second type, a public lift station, would most likely not function properly at this point because there is not enough flow going to it. It is Solicitor Rice's recollection that installation of the temporary line was deemed too costly by the Water and Sewer Authority, who had discussed doing some of the work, at that time. Mr. Schubert recalls a \$15,000.00 price tag, if in fact the Authority personnel would install the line, to avoid labor costs. This was for the grinder pump, which would provide just enough pressure to push that up into the main coming down Limekiln Pike.

Supervisor Bennington inquired about the other improvements that were necessary for Lot #33. Mr. Wynn replied there are some improvements actually on the lot, such as buffer plantings, that would need to be installed before Lot #33 is sold. The other improvements included dedication of some right-of-way for Rt. 152 and West Creamery Road, as well as improvements to the roadway intersection itself. Mr. Wynn does not feel those slight intersection improvements would be appropriate at this point. As far as the overall widening and curbing which is proposed for both sides of West Creamery Road, Mr. Wynn felt this should be completed all at one time. Mr. Wynn believes roadway right-of-way dedication, property monumentation for that lot, and the buffer plantings should be required on Lot #33. Chairman Bennett asked if the existing barn was to be demolished, since it is a bit of an eyesore. Mr. Wynn replied the barn is actually located on the open space area, and should be removed. Mr. Wynn believes the property line is located on the side of the barn, and obviously, any of the out buildings located on the property line will have to be removed.

Supervisor Bennington suggested Mr. Horrocks speak with Mr. Wynkoop of the Water and Sewer Authority, to determine the extent of the temporary sewer line and it's cost, and to attempt to reach an agreement. Mr. Schubert noted he would be happy to meet with the Township Solicitor concerning this issue, as well.

Since the plan has received conditional final approval, Mr. Schubert asked the procedures involved with "phasing" the project. Mr. Wynn feels the plan should again appear before the Planning Commission, just as any other revised plans do, for their review and comments on whether all items have been accomplished for Lot #33 to stand alone. Of course, a Phase I plan would also have to be prepared for review, showing the phase line, and those items which should be accomplished during the first phase of the project.

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

1. A preliminary request has been received from Bell of Pennsylvania concerning construction of an equipment hut on private property. Mr. Horrocks and Mr. Applegate, Code Enforcement Officer, will research this matter. Mr. Horrocks asked whether a land development will be required for this request. Similar projects have been completed in other municipalities, and Mr. Horrocks believes Bell of Pennsylvania does have some authority to do what they are requesting.

2. An announcement of the eighth round of a RIRA Program fund was received, which the Township will apply for in the hopes of obtaining funds for construction at the Civic Field. There is approximately 3.3 million dollars available through the RIRA Program.

Supervisor Bennington asked if a Recreation Plan was needed to apply. Mr. Horrocks replied that the Township does have a very old Park and Recreation Plan, which is quite limited and not very detailed.

3. For the Board's information, correspondence has been received from Ms. Patricia Guth, advising the Township has received \$3,972.00 under the DARE grant for the 1991-1992 school year for payment of salaries of our two officers involved in the program. Mr. Horrocks believes the grant in 1992-1993 has significantly increased over prior years.

4. A letter was received from the Bucks County Commissioners seeking the Board's opinion as to whether the Township would be in favor, against, or have no opinion to express, concerning reassessment throughout the County of Bucks. An answer is required by October 30, 1992. All fifty four Bucks County municipalities have received an identical letter.

5. The Comprehensive Annual Financial Report for the year ending December 31, 1991, has been received from the Bucks County Water and Sewer Authority, and is on file at the Township office.

6. A letter has been received from the Manager of Dublin Borough soliciting the Board's opinion as to the possibility of cost sharing Workmen's Compensation and Vehicle Insurance for fire and ambulance services. Mr. Horrocks will speak with Mr. Supplee in an attempt to determine specific numbers Dublin Borough is spending for these insurance costs.

Chairman Bennett suggested a copy of this correspondence be forwarded to Mr. Jack Morgan, Chairman of the Fire Commission, for their review as well. To Chairman Bennett's knowledge, it has been the habit of each community to pay Workmen's Compensation for fire and ambulance services within the municipality. Chairman Bennett stated Workmen's Compensation fees have risen substantially this year. Unfortunately, Hilltown Township's record for Workmen's Compensation claims for this year have been quite high. Chairman Bennett stated Hilltown Township has paid approximately \$165,000.00 for three separate accidents.

Mr. John Snyder, the Township's agent for Nationwide Insurance, explained that upon review of the Township's basic insurance package and all items except the Workmen's Compensation during the past few years, it appears fees have gone down. At the end of 1989, there was one severe police injury which required a serious operation, and the officer himself missing almost one full year of work due to the injury. There was also one serious eye injury and one serious hand injury which occurred within the Public Works Department. Although not in 1989 and 1990, the Township's Workmen's Compensation modifier works over a three year period of time, and is generally delayed approximately one year. In 1991, they picked up the beginning of the police injury, and therefore the modifier increased somewhat in 1991. In 1992, they picked up the balance of the police injury, as well as two other serious injuries. This caused the modifier to go from a .95 to 1.31+, which resulted in an increase of approximately \$23,000.00 in the Township's Workmen's Compensation premium.

On the plus side, 1991 was an excellent year as far as losses relating to Workmen's Compensation, and therefore, the Township will be receiving a check back from Nationwide Insurance in the amount of approximately \$13,000.00. If, during the last three months of 1992, the good work record continues as far as injuries, the Township should be receiving an even larger check. This is based upon what is called the "Loss Ratio". Also, Mr. Snyder noted, as the Township is getting towards the end of the cycle involving those three serious injuries, the Township should see the modifier beginning to drop back again. There is always at least

Page 9
Board of Supervisors
September 28, 1992

a one year delay from experience of the claims until it is added to the modifier.

By order of State law, Mr. Snyder stated the Township has always paid Hilltown Fire Company's Workmen's Compensation. Mr. Snyder believes what Dublin Borough is pointing out is that their fire company not only serves Dublin Borough, but also a portion of Hilltown, Bedminster, Plumstead and New Britain Townships. Mr. Snyder is not familiar with how Dublin Borough's Workmen's Compensation premium is calculated, however when the Township pays for Hilltown Fire Company's Workmen's Compensation, we are paying for not only the portion of Hilltown Township that is serviced by this fire company, but a portion of New Britain Township, as well as a small portion of Hatfield Township. Mr. Snyder believes the Township is paying Workmen's Compensation premiums on a population of approximately 6,000 people. Whereas for the Public Works Department, the Administrative staff, and the Police Department, those premiums are based upon per 100 of payroll. Back in 1989, the previous Board agreed to pick up approximately 95% or better, of the other municipalities and the Upper Bucks Consortium agreed to pick up the fire company's insurance cost for general liability and vehicles. This is the bill the Township receives indirectly from the fire company and is paid back to the carrier of the fire company's insurance.

Chairman Bennett commented Workmen's Compensation has become a national issue. Earlier this year, the State Compensation Board asked for a 52% increase. When preparing their budget at this time last year, Mr. Snyder advised the Board that he did not believe this request would pass, therefore the Board added a 30% increase in the budget over the previous year. Chairman Bennett believes the figure to date is exceeding that already. Mr. Snyder advised the Insurance Commission has postponed any rate increase, hoping that the General Legislature was going to pass some type of revised Workmen's Compensation bill last spring. That bill failed and Mr. Snyder noted the Governor has called for an emergency session of the House and Senate to attempt to pass a new bill for Workmen's Compensation.

As Supervisor Bennington understands it, Dublin Borough is requesting that for the area of Hilltown Township that Dublin Fire Company services, they wish to be reimbursed for a portion of their Workmen's Compensation payment.

Mr. Snyder noted, the law says in a case where an outside contracted fire company serves a portion of a municipality, their Workmen's Compensation rate is based upon their home area plus whatever area they cover, just as the Township is paying for Hilltown Fire Company's coverage area, plus New Britain Township and Hatfield Township's coverage area.

Supervisor Bennington asked if there was a chance that Dublin Borough might refuse to pay for their home fire company's Workmen's Compensation coverage when fighting fires within Hilltown Township, if Hilltown were to refuse to pay a portion of Dublin's Workmen's Compensation insurance. Mr. Snyder replied Dublin Borough is still required to pay Dublin Fire Company's Workmen's Compensation coverage because Dublin Borough is the "employer" of that fire company. Even though firefighters are volunteers, there is an "employer/employee" relationship. For instance, Hilltown Township's Workmen's Compensation cannot pay for an injured Dublin volunteer fireman, because they are not a Hilltown Township employee, they are a Dublin employee. Solicitor Rice explained a municipality must supply coverage for their home fire company, however technically, Dublin Borough could respond by pulling Dublin Fire Company's coverage to areas of Hilltown Township. Mr. Snyder agreed that could possibly happen.

Chairman Bennett felt some of the smaller boroughs and townships in the area cannot financially handle some of the growing costs. For instance, the Police portion of Hilltown Township's budget is approximately 50% of the budget. Silverdale Borough, with a population of approximately 900, is paying Hilltown Township \$28,000.00 per year for police protection, yet their budget is approximately \$175,000.00. Costs for police protection therefore makes up 15% of Silverdale Borough's budget. Chairman Bennett stated most boroughs are really too small to finance a good fire department or a good police department on the same basis that Hilltown Township feels is necessary, and this is a real problem.

Supervisor Fox felt this issue should be discussed by the Fire Commission to see if they could come up with some other ideas.

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

1. Mr. Rice stated his office has received executed Development Agreements and Financial Security Agreements for the State Farm Insurance project, located on Rt. 113. There is also a Letter of Credit guaranteeing improvements provided by Provident National Bank.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Development Agreements and Financial Security Agreements for State Farm Insurance.

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

1. Class Subdivision - This subdivision is located at the intersection of Keystone Drive and Cherry Road, with some frontage along Rt. 113. The plan proposes a lot line adjustment which would

transfer 30,000+ sq. ft. of land from the Class property to Mr. and Mrs. Dorouzio's property. Both properties currently contain single family dwellings. The Class property takes frontage on both Cherry Road and Keystone Drive. The Dorouzio property only has access to Rt. 113 by way of a 27 ft. wide lane and is not conforming due to inadequate frontage. Upon completion of this subdivision, the Dorouzio property will become a conforming lot as a ten plus acre flag lot. Because of the type of subdivision it is, there were a significant number of waivers requested, most of which were recommended for approval by the Planning Commission. These waivers included showing all the normal features included on a plan, contours not shown on the plan, and all street improvements along the frontage of the tract. The Planning Commission recommended that the plan receive final plan approval, subject to a note being added to the plan regarding the placement of fill in the potential floodplain area. Also included in that recommendation is that Lot #2 be consolidated with adjoining lands of Dorouzio so as not to create a non-conforming lot, and that a revision date be added to the plan. The linens, which were submitted today, show a revision date and contains a note on the plan. The applicant had requested a waiver of all property monumentation, however the Planning Commission recommended a waiver of all but two monuments which will define the location of the new lane. There was also a request for a waiver of dedication of right-of-way, though the Planning Commission recommended that this not be waived.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Class Subdivision, conditional upon completion of the items in Mr. Wynn's engineering review letter and the recommendation of the Planning Commission.

Mr. Wynn advised linens for the Class Subdivision will be available for signature following this meeting.

2. County Line Shopping Center - One of the items this plan proposes is a two phase development, which would consist of a new store being constructed in the first phase, and additional retail stores being constructed, parking improvements and improvements in landscaping being completed in the second phase.. Mr. Wynn explained the applicant had indicated that during the phases of the project, there would be a temporary increase in impervious surface, beyond the limits of zoning. Upon construction of Phase II of the project, the property would be brought back into compliance. The applicant and his engineer have requested they be permitted to meet with Mr. Wynn and the Township Solicitor, for the purpose of drawing up an agreement that would allow them to temporarily increase the impervious surface, and yet guarantee to the Township that the property will be brought into compliance upon execution of a Phase II development. The Planning Commission has requested

1338
Page 12
Board of Supervisors
September 28, 1992

the Supervisor's authorization to allow the applicant to meet with the Township Engineer and Township Solicitor, at the applicant's expense to discuss the legal ramifications of this issue.

Supervisor Bennington asked if a video store will be constructed on the grassy plot on the plan, and if Pizza Hut will also be expanded. Mr. Wynn replied construction of a video store is proposed, however the development proposed by Pizza Hut is not part of this same submission, they are two separate issues.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize a meeting between the Township Engineer, Township Solicitor, and the applicant's engineer for the County Line Shopping Center plan, at the applicant's expense.

3. Our Lady of Sacred Heart Church/School - The site is located on Hilltown Pike and Broad Street. The plan proposes an expansion of the school, with the addition of some stormwater piping and stormwater management improvements, as well as improvements to both the entrances off Broad Street, including the installation of trench boxes for drainage. There is buffering required by a previous Zoning Hearing decision along the property line where the proposed school addition is shown on the plan. There are no improvements proposed to Broad Street or Hilltown Pike, and the Planning Commission has recommended a waiver of those improvements. The site will be served by on-site sewage and there is an existing well.

The plan was recommended for preliminary plan approval by the Board of Supervisors, subject to a number of conditions. The conditions include that the right-of-way area of Broad Street and Hilltown Pike be dedicated to the Township, that the outdoor collection areas for trash be shown on the plan and adequately screened, property monumentation be installed, and that the Bucks County Department of Health authorize connection to the existing septic system. A partial waiver of the Water Resources Impact Study was recommended by the Planning Commission. Specifically, the entire requirements of Section 512 of the Impact Study would not be required, but the applicant would perform the pumping and testing requirements of Ordinance #87-2 on the existing well. Mr. Wynn understands this has already taken place, however the results have not come in yet. The existing propane natural gas tank to the rear of the church is required to be adequately buffered. There are also a number of outstanding engineering and drafting items to be accomplished.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant preliminary approval to Our Lady of Sacred Heart Church/School, conditional upon

completion of the outstanding items in Mr. Wynn's letter and the recommendations of the Planning Commission.

4. Off-the-Wall Cabinetry - The site is located north of Garges Car Wash on Bethlehem Pike. The plan previously received final approval from the Supervisors in May, 1992. The applicant has now submitted linens, however the plan has been revised slightly from the plan that was originally approved. This revision was recommended for approval by the Planning Commission. The only change to the plan is that a loading dock has been added. Due to this addition, the parking area has been re-arranged in order to accommodate the loading area, though the same number of spaces exist, including the future spaces.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the amended plan for Off-the-Wall Cabinetry, as recommended by the Planning Commission.

5. Santos Subdivision - A 90 day extension and a request to table the Santos Subdivision plan has been received. This is a two lot subdivision. The proposal has become a bit controversial due to the discovery of a 1989 Zoning Hearing Board decision regarding an almost identical subdivision. Since receipt of the 90 day extension and request to table the plan, no action is necessary.

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

1. Pleasant Meadows Box Culvert - Mr. Wynn has received a call from Urwiler and Walter indicating they have completed their part of the project, and it was now in the hands of Dr. Cordrey. Mr. Wynn then spoke with Mr. Glenn Garis, who advised Dr. Cordrey has not yet responded as to whether the application has been submitted to the Army Corp. of Engineers. Neither Mr. Wynn nor Mr. Garis has received copies of any correspondence from Dr. Cordrey. Mr. Wynn will continue to pursue the matter, and will notify the Board of any progress.

2. Garges Land Development - The public improvements for this plan are nearly completed, however Blooming Glen Contractors was not able to complete the retention basin work last week, due to bad weather. Mr. Garges has indicated, in writing, that he expects Blooming Glen Contractors will have completed the work by October 2, 1992. Upon completion and according to approval by this Board, Mr. Garges intends to re-establish the letter of credit. At present, the Township is in receipt of a letter of credit to guarantee the improvements, which will actually be expiring in a few days. Mr. Garges would prefer not getting a new letter of credit before he gets his 18 month maintenance letter of credit. Mr. Garges intends to provide the Township with a 10% retainage letter of credit as soon as the job has been completed.

3. Sterling Knoll Subdivision - The time frame for completion of improvements of this subdivision expires September 30, 1992. The applicant has requested, another extension, in writing, to expire on September 30, 1993, in order to complete the remaining eight houses in Sterling Knoll before completing a final paving. Mr. Wynn has received correspondence from PennView Savings Bank indicating the commitment for the development security agreement has been extended for one year to fund the project through September 30, 1993.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the one year extension for Sterling Knoll Subdivision, until September 30, 1993.

4. Street Name Request within Pleasant Meadows Subdivision - Correspondence has been received from Mrs. Helen Berdell requesting the roadway across the box culvert be named "Schmidt Lane". Mrs. Berdell's father, Oscar Schmidt, owned the property from the mid 1930's until it was sold to the Blodgetts'. The letter went on to state how various members of her family served in different wars, etc. Mrs. Berdell is requesting that what is now called Steeplebush Drive be named Schmidt Lane. Mr. Wynn does not believe Mrs. Berdell is aware that the road is already named, and that there are presently 14 or 15 houses with "Steeplebush Drive" addresses in the development.

Supervisor Bennington suggested that the next time Glenn Garis constructs a subdivision in Hilltown Township, one of the streets might be named "Schmidt Lane".

J. LINENS FOR SIGNATURE -

1. Class Subdivision
2. Weikel Subdivision
3. Finkelstein/Diamond Street Subdivision
4. Finkelstein/Green Street Subdivision
5. State Farm Insurance
6. Off-the-Wall Cabinetry

K. RESIDENT'S COMMENTS -

1. Mr. Jack Hetherington - Mr. Hetherington understands the Board has received a letter from Ms. Myra Savich from Re/Max regarding a property on Reliance Road. Mr. Hetherington was retained late this afternoon by the buyer of the property. Mr. Hetherington believes that section of Reliance Road is serviced by the Telford Borough Water and Sewer Authority. There appears to be a question because of the nature of the purchase money financing, which is FHA. FHA is requiring some type of verification from the Township or the Authority advising that connection to public sewer is not mandatory for the buyers to

receive final commitment on the mortgage money. Mr. Hetherington understands that Hilltown Township Water and Sewer Authority has an arrangement with Telford Borough Authority to service Reliance Road. Mr. Horrocks noted Reliance Road is located in Telford Borough Authority's coverage district. Mr. Hetherington asked if Hilltown Township's Water and Sewer Ordinance requires that if a home is located within 150 ft. of the sewer line, mandatory connection is necessary, even though Telford Borough Authority services this road. Chairman Bennett replied if a property in Hilltown Township is located within 150 ft. of a sewer line, it does not matter which Authority services the area, the mandatory connection is required. Supervisor Fox noted an Ordinance was passed last year granting Authorities the right to demand connection, if they wish. Therefore, that decision has been taken out of Hilltown's hands, as far as sewage is concerned.

Mr. Wynn also received a call from Ms. Savich who indicated the existing sewage system at this site was inspected and it was functioning fine. Mr. Wynn stated the on-site sewage system could not be functioning properly, because he was present when the laterals were installed. In front of 601 Reliance Road, when excavation took place for the trench, it filled with sewage because the system was failing so badly. They also lost a backhoe in front of that property in the sewage. Mr. Hetherington asked when the lateral was installed. Mr. Wynn replied it was installed approximately two years ago during construction of the Bridle Run Subdivision. In fact, all the laterals for homes along Reliance Road were installed at that time. The system is probably not failing to the surface anymore because of all the stone backfill in the sewer lateral, which was backfilled with stone almost to the surface. Mr. Wynn does not see how the system at 601 Reliance Road could possibly be functioning.

If it is a requirement for the property at 601 Reliance Road to connect to public sewer and laterals have been installed, Mr. Hetherington asked why the laterals have never been connected to the homes. Mr. Wynn replied when the Bridle Run Subdivision ran it's sewer off-site up Reliance Road to connect their subdivision, they were required to provide laterals for future sewer connections. The developer installed those laterals at his own expense, with no possibility of reimbursement from Telford Borough Authority. Mr. Hetherington asked if the connection is required when the property is sold. Mr. Wynn replied connection is required either when the property is sold or when the Township makes such a requirement.

Solicitor Rice explained the Authority itself cannot require a property owner to connect to public sewer. The Township developed an Ordinance, that was updated last year, which is based upon a request from Chalfont/New Britain Authority in the Line Lexington

1542
Page 16
Board of Supervisors
September 28, 1992

area. The Township then passed a Mandatory Connection Ordinance, under the Second Class Township Code, which has a 150 ft. requirement. However, that only applies if the Board of Supervisors makes a decision to send a notice to property owners, to enforce the connection. There is a notice procedure in the Second Class Township Code which states "you shall connect to public sewer lines if your property is located within 150 ft. of those sewer lines", however that is discretionary. Solicitor Rice stated this Board would have to take some action to initiate the process of requiring any property located within 150 ft. of a sewer line to connect to public sewer. Authorities may make that request of the Board of Supervisors, however they cannot send the connection notice to Hilltown Township property owners without the Board's direction.

Mr. Hetherington is requesting a letter from the Township verifying the Board of Supervisors has not required connection to public sewer for the property located at 601 Reliance Road. Mr. Horrocks replied this has already been done. Correspondence was sent on September 2, 1992 to Re/Max and to Telford Borough Authority, quoting sections of Ordinance #91-04 which follows:

"All property owners whose building lines are within 150 ft. of any public sewer, shall be required to connect thereto. If the owner of any property, after sixty days notice from the Township, fails to connect, the Township or it's authorized agent may make the connection and collect the cost thereof in the matter provided under law".

Apparently, Mr. Hetherington noted, this information was not sufficient for FHA. Mr. Hetherington asked if the Board could send a letter stating the Board of Supervisors has not issued an order to require those residents of Reliance Road to connect to public sewer. Supervisor Bennington felt that FHA should be more concerned about a sewer system that is failing, before guaranteeing a mortgage. Mr. Hetherington has been told that a septic system inspector has advised the on-site system at 601 Reliance Road is functioning adequately. Mr. Hetherington does not wish to raise an issue which may cause problems for the seller, the buyer, or anyone else. Mr. Hetherington has not seen the septic certification, however it appears that FHA is not terribly concerned about that aspect, rather they are concerned about the municipality requiring connection to public sewer.

Mr. Horrocks suggested drafting a letter stating "As of this date, the Hilltown Township Board of Supervisors has not required those residents of Reliance Road to connect to public sewer". Mr. Hetherington was in agreement to this suggestion.

On a different subject, Mr. Hetherington asked if the Board has requested a mailing list from the Board of Elections. Chairman Bennett spoke to Mr. Horrocks on this subject today, and he is working on two sources for a mailing list - one is the Bucks County Courthouse, and one is Berkheimer. In the past, the Township purchased mailing labels through Berkheimer, but once again, there were several hundred that were not accurate. The Township has attempted to eliminate multiple mailings to the same household. Mr. Hetherington has spoken to the Board of Elections and was told a mailing list can be purchased in two fashions - one is by household of registered voters, and one is by registered voter name. The difference is that if there is a household of adults, all of whom have registered to vote, the household registration mailing list will supply only one name per household. For the Civic Association's purposes, the listing showing all registered voters in the household would be preferable. The cost is approximately \$.04 per label.

2. Mr. John Snyder - Mr. Snyder read the following personal statement relating to the letter from Dublin Borough concerning insurance coverage, which Mr. Horrocks read earlier. This statement does not reflect the standing of Hilltown Township, or Mr. Snyder's position as president of the Hilltown Fire Company.

"In 1991, the Township collected \$96,834.85 in Fire Tax, distributed \$85,200.00, of which \$53,500.00 (or 62%) went to support fire companies chartered outside the Township. Likewise, in 1991, the Township received \$55,208.76 from the State in Foreign Fire Tax monies, of which \$24,598.000 (or 44.5%) went to support fire companies chartered outside the Township. In addition to this, the Township paid \$23,171.00 insurance costs. These expenditures total \$163,579.76. This does not include the additional \$5,000.00 paid to Hilltown Fire Company and Sellersville Fire Company, for the major unexpected emergency repairs, which would then bring the total to \$173,579.76. In review of the regular Fire Tax and the Foreign Fire Tax which were distributed in 1991, \$78,098.00 (or 55.6%) went to support fire companies in other municipalities. While it is true that these donations do not go directly to the municipality, but rather to the fire companies. the municipalities must realize that Hilltown Township does support their costs of operating a fire company. In fact, there is at least one of the other six fire companies, besides Hilltown, that service this Township, who would probably not exist if it weren't for Hilltown Township.

Mr. Snyder stated, with the letter of request this evening, there is the possibility of five more very similar requests eventually coming before the Board. If the Board is considering the request from Dublin Borough, it is Mr. Snyder's interpretation of the Pennsylvania law pertaining to Fire Tax, that monies cannot be used

1344
Page 18
Board of Supervisors
September 28, 1992

out of the Fire Tax Fund to pay insurance costs. Any of this expenditure would then, of course, come out of the General Fund. As a resident of the Township, Mr. Snyder is asking the Board to reject Dublin Borough's request. Mr. Snyder would not like to see additional tax monies being spent outside the Township to support other municipalities, which are already receiving over 50% of the Fire Tax monies collected in Hilltown Township."

Again, this is Mr. Snyder's personal opinion, and he thanked the Board for the opportunity to present it this evening.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington suggested the Board schedule an October road inspection. It was discussed and decided that the next road inspection will be held on Saturday, October 17, 1992 at 8:00AM.

2. Supervisor Bennington mentioned a letter the Board received in their packet regarding a complaint concerning a property located on Quarry Road. Supervisor Bennington asked for clarification and any further information Mr. Applegate, Code Enforcement Officer, could supply concerning this issue.

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 September 28, 1992 Board of Supervisor's Meeting was adjourned at 9:23PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary

12345A

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
Subject: Escrow Release Summary
Date: September 28, 1992

1. Browning-Ferris Industries - Authorization Voucher No. 12, dated September 9, 1992, in the amount of \$437.83 for reimbursement for const. obs./esc. admin. for period from 6/1/92 thru 6/30/92.
2. Orchard Station - Authorization Voucher No. 23, dated September 23, 1992, in the amount of \$26,004.28 for roadway and E&S control.
3. Orchard Station - Authorization Voucher No. 24, dated September 24, 1992, in the amount of \$408.38 for reimbursement for const. obs./esc. admin. for period from 6/1/92 thru 8/31/92.
4. Pleasant Meadows III - Authorization Voucher No. 25, dated September 8, 1992, in the amount of \$129.23 for const. obs./esc. admin. for period from 6/1/92 thru 8/31/92.
5. Sterling Knoll Phase II - Authorization Voucher No. 48, dated September 9, 1992, in the amount of \$294.90 for const. obs./esc. admin. for period from 5/1/92 thru 8/31/92.

Note: All releases are from bank held accounts.