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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC WORKSESSION
Monday, September 14, 1992
7:30PM**

The public worksession 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
Thomas Buzby, Director of Public works
George C. Egly, Chief of Police
Eric D. Applegate, Code Enforcement Officer

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

1. At the last meeting, the Board directed Mr. Horrocks, Mr. Wynn and the Township Solicitor to hold a meeting with Glenn Garis and his engineers concerning the Pleasant Meadows Box Culvert. That meeting was held and Mr. Garis is definitely in the process of submitting all of their final reports to the Army Corp. of Engineers. It is still pending advertising with the Army Corp. of Engineers. It was suggested that it might be helpful if the Board of Supervisors were willing to sign on a positive support letter expressing the Township's concern. Mr. Horrocks presented a copy of the proposed letter for the Board's review. Chairman Bennett was agreeable to this suggestion. Supervisor Bennington wondered what good a positive letter of support, after six years of waiting, would do. Apparently, Mr. Horrocks replied, in the past, someone had indicated a bit of expediency to the Army Corp. of Engineers, which was when the files were "lost". The project is very close to being finalized, and there is much concern on the part of Mr. Garis' engineers that it did not appear as though the Township was attempting to force a decision on any other agency. The Board agreed to sign the proposed support letter.

2. Advertisements have been placed in a local newspaper for one vacancy on the Planning Commission and two vacancies on the Recycling and Environmental Concerns Committee. To date, Mr. Horrocks has received five written confirmations of interest, with three additional applicant's verbally indicating their interest. Two of the letters indicate they would be willing to serve on either Board, with the remaining applicant's expressing interest in the available opening on the Planning Commission.

3. At a previous meeting, a resident had expressed her concern with the Willow Grove jets flying overhead and disturbing homeowners in her general area. At that time the Board directed Mr. Horrocks to contact Willow Grove, as well as local government representatives. Mr. Horrocks spoke to Lt. Commander Mike Thompson of Willow Grove, who was very familiar with the Hilltown resident involved, and has answered correspondence from Representative

Kosmayer's office, regarding this individual's concerns. Lt. Commander Thompson indicated he would like to have his Captain attend a future Township meeting. Lt. Commander Thompson assured Mr. Horrocks that even though they are not under jurisdiction of the FAA, every jet that flies overhead is holding FAA minimum standards for air patterns. Lt. Commander Thompson was concerned that some of the information presented to the public was not totally accurate. Mr. Horrocks believes someone representing Willow Grove Naval Air Base will be attending a future Board of Supervisor's meeting to express their views on the issue.

Chairman Bennett suggested a guest speaker from Willow Grove might have a better forum at a Hilltown Civic Association Meeting, which is held here at the Township Building. Supervisor Fox felt since the representative from Willow Grove would be addressing and responding to the Township's complaint, the proper forum should be a Hilltown Township Board of Supervisor's meeting.

4. Mr. Horrocks advised the Township will be advertising for gasoline and heating oil within the next few weeks. The bids will hopefully be opened and awarded at the second meeting in September, or the first meeting in October.

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

1. An invitation has been received from Congressman Kosmayer to attend a seminar on Intermodal Surface Transportation Efficiency Act Funding.

2. Correspondence has been received from the Silverdale Volunteer Fire Company advising they have recently purchased a new truck in the amount of \$198,000.00, and are seeking any possible additional financial help from the Township.

Chairman Bennett asked if the Foreign Fire Relief money has arrived. Mr. Horrocks replied it has not arrived yet, though it is usually received in late September.

3. An audit for the Sellersville Volunteer Fireman's Relief Association has been received from the Auditor General's Office, for the period of January 1, 1990 through December 31, 1991. This document will be kept on file at the Township office.

4. The 1991 Year End Financial Statement has been received from the Hilltown Township Water and Sewer Authority, and will be on file at the Township office.

5. Chairman Bennett recently received the following anonymous letter:

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"If Hamilton Township, New Jersey can get a post office and zip code, why can't Hilltown Township? Why doesn't the Township take advantage of the election year and get some support from candidates, even though they could be empty promises."

Chairman Bennett explained the Township had pursued the idea of a centralized post office with the Federal Postal Service and Congressman Kostmayer approximately three years ago, to no avail.

6. Notification has been received concerning the Bucks County Association of Township Officials meeting on Thursday, October 15, 1992 at 6:00PM at the Warrington Country Club.

Motion was made by Supervisor Fox, seconded by Supervisor Beannington, and carried unanimously to authorize Chairman Bennett and Mr. Horrocks to attend the Bucks County Association of Township Officials meeting on Thursday, October 15, 1992.

C. CONFIRMED APPOINTMENTS:

1. Mr. Jack Hetherington - Landes Property - At a previous Board of Supervisor's meeting, there was correspondence from Anthony and Missy Landes regarding a property they own located on Highland Park Road, which contains three rental units. Mr. and Mrs. Landes have owned the property in question for approximately six years, and it is presently under an agreement of sale. The prospective buyer's lender is requiring some kind of outside confirmation that the three rental units located on the property are not in violation of the Zoning Ordinance.

Mr. Hetherington understands that Mrs. Landes solicited affidavits from prior owners and long time neighbors verifying the validity of the three rental units. Mr. Hetherington has reviewed the Zoning Ordinance, and cannot find a Township registry of non-conforming uses of properties. If this three unit dwelling is not in conformance with the Rural Residence Zoning District in which it is located, there is no way to register a non-conforming use to that effect. Mr. Hetherington understands that if it is a non-conforming use and had been prior to the adoption of the 1959 Zoning Ordinance, it is a "Prior Existing Use". Prior Existing Uses, which become non-conformities because of the adoption of Zoning Ordinances, are a property right which runs with the land so that a subsequent purchaser is allowed the right to continue that same non-conforming use.

Mrs. Landes has obtained a letter from the son of a prior owner of the property, who resided at the property from the early 1940's into the 1960's. This gentleman indicated he lived at this property as a child during the mid 1950's and specifically

remembered the dates because his older brother graduated from high school in 1959, a year after his family moved out. Mr. Hetherington stated there is also a man named Louis Godshall who lives in the area and knows of this building housing three rental units for all those years, however he has not been reached for comment. Today, Mr. Hetherington checked the Board of Assessment office in Doylestown, though their records go back only as far as 1972. Mr. Hetherington obtained a copy of the 1972 assessment record for the property which indicates there was "an old building with three apartment units in it". PP&L installed an electric meter as far back as 1960, but they are unable to document whether that was the first meter installed on the premises, or whether they were upgrading an existing meter. In any case, Mr. Hetherington felt the property on Highland Park Road has been a non-conforming use since the Zoning Ordinance was passed, thereby creating a Rural Residential District for the area in which it is located, however the non-conformity has always been three apartment units.

Supervisor Fox stated there is an incomplete record of non-conforming uses as required by the previous Act and Act 243, however the data has never been completely collected. This is in the realm of the Zoning Officer. There is a record, though incomplete, showing some legal non-conformities. Mr. Hetherington advised the applicant is seeking a letter from the Township indicating that as far as the records available to it are concerned, this is a prior existing non-conforming use to the Zoning Ordinance. Mr. Hetherington does not believe the three rental units are in violation, and therefore the lender's money is not somehow in jeopardy. The applicant is not asking for a certification or a guarantee, just a letter that indicates the Township does not feel this property violates the present Zoning Ordinance. Mr. Hetherington feels the submission of a letter from the son of the owner of the property at the time that the Zoning Ordinance was created, indicating that it was, even then, used as three rental units, coupled with the fact that PP&L installed an electric meter as far back as 1960, is sufficient evidence to prove the legal non-conformity. Mr. Hetherington has also reviewed the plot plan which was recorded for the property in the late 1960's, though it only shows the dwelling and a garage. Mr. Hetherington understands there is precedence for this in the Township and that similar situations have also happened in the recent past where letters of certification can be issued to that effect. Chairman Bennett stated the applicant for a similar prior request had substantial proof in that particular case. Mr. Hetherington feels Mr. and Mrs. Landes are also supplying sufficient proof for their claim. There is correspondence from a man named Mr. Orville Lerman who owned the property from 1972 through 1975, indicating it was a three unit apartment, and operated that way before he purchased the property.

There is also a letter from Mr. Thomas Brandis, who is the son of the family who owned the property in the past. Mr. Brandis' letter indicates he lived there from 1956 to 1958, when it was operating as a three rental unit apartment. Mr. Hetherington realizes these statements are not sworn under oath, however he is submitting to the Board that neither Mr. Brandis nor Mr. Leverman has any interest in this particular property at this time.

According to Mr. Horrocks, Supervisor Fox stated the Township is not in receipt of any correspondence from PP&L showing that they installed electrical meters on the property in the early 1960's. Mr. Hetherington is not in receipt of any information himself, other than what Mrs. Landes has told him. Chairman Bennett asked what the installation of a new meter by PP&L would prove. Mr. Hetherington replied if the site is an unlawful non-conforming use, there would be a problem, however if it is a use that existed before Zoning, the use runs with the land. The proof of the statements gathered should show that there is some corroborative support from people who have no interest in the property at present.

The Board agreed to sign the correspondence the applicant has requested. Mr. Horrocks explained the Code Enforcement Officer will visit the site to take measurements and to identify the non-conformity so that it does not creep beyond that. Mr. Applegate should have the requested correspondence available for the applicant before their settlement this Friday.

Supervisor Fox stated this property is not registered as consisting of rental units according to the Tenant Identification Ordinance. Supervisor Fox asked Mr. Hetherington to advise his client that completion of a Tenant Identification Form is required.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant a waiver on the Landes property to ascertain the non-conformance through the Code Enforcement Officer. This will allow the Township to know exactly where the non-conformance extends so that it does not expand in the future, and to consider this site a legal non-conformity.

D. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas Buzby -

Mr. Buzby read the Public Works Report, dated July 26 through August 22, 1992, which is on file at the Township building.

Mr. Buzby advised the gabions have been ordered for the project at BFI, and the Public Works Department is in the process of assembling them. Mr. Buzby will contact Bucks County Soil Conservation, as well as the Fish Commission to give them ten days notice prior to entering the stream.

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Work has been progressing on the Civic Field park. The problem is that we are still approximately 8 inches low over the majority of the field, though Mr. Buzby hopes to get closer by installing the jogging trail, and using that material for fill or topsoil.

Supervisor Bennington asked how much salt remains for the winter months. Mr. Buzby replied there is approximately 4 or 5 tons of salt remaining. A problem that the Public Works Department is experiencing is the storage of the salt for this winter. Supervisor Fox asked where Mr. Buzby intends to store the salt. Mr. Buzby replied the salt itself is kept in one garage bay, and at present, there is no place to store the mixed material. Chairman Bennett asked if there are any plans for use of space at the proposed Water and Sewer Authority building at this time. Mr. Buzby replied that was his hope earlier in the year, however he has not heard anything more about it. The Hilltown Township Water and Sewer Authority does own the ground next to the Public Works garage, and therefore, there would be suitable land to construct some type of a storage building. That is the only option Mr. Buzby can see at this time. Supervisor Bennington noted the only problem with that is the Authority would be required to submit a development plan to Silverdale Borough, and by the time it would be approved, most of the winter would be over. Supervisor Fox asked if monies are still available for the pole barn type building the Township planned on constructing when the original grant came in. Mr. Horrocks noted there was an interesting article in Township News this month which states a salt storage building can, in fact, come from Liquid Fuels money. Chairman Bennett wondered if there are any vacant buildings within close proximity to the maintenance garage that the Township could rent. Mr. Buzby stated salt storage must be seriously considered.

Further, Mr. Buzby advised the Bucks County Opportunity Council will be holding it's quarterly Surplus Food Distribution at the Township Building on Thursday, September 24, 1992 from 2:00PM to 4:00PM.

Supervisor Bennington asked if the next truck to be replaced will be the 1979 Dump truck. Mr. Buzby replied that it is. Supervisor Bennington asked if the replacement of this truck will be in the 1993 budget. Mr. Buzby replied in the 1993 budget, he hopes to add a smaller truck to the fleet, and the other truck he was planning to purchase in 1994. The truck Mr. Buzby hopes to purchase in 1994 will be a three to five ton in the price range of approximately \$35,000.00, which should be covered by Liquid Fuels money. Supervisor Bennington did not feel the Township would have enough Liquid Fuels money to cover both a pole barn and a truck. Mr. Horrocks explained there is a certain allocation of Liquid Fuels that can be used for equipment. Mr. Buzby stated we would have to research whether the salt storage building would be

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considered "equipment" or if we could use any excess funds we would have. With the equipment, there is a definite 20% maximum to be used towards equipment purchases. Mr. Buzby is currently in a dilemma as to where to store his materials. Chairman Bennett suggested Mr. Horrocks look into renting an old barn located on Spur Road, which is presently not in use. Mr. Horrocks thought there may be one or two other places the Township could look into as well.

Supervisor Bennington commended the Public Works Department for their fine work on Highland Park Road.

E. POLICE CHIEF'S REPORT - Chief George C. Egly -

Chief Egly read the Police Chief's Report, dated August of 1992, which is on file at the Township building.

Chief Egly advised a Traffic Blitz was held on Saturday, September 5, 1992. Despite the light traffic, there were a number of arrests, and the operation went well. There was a Morning Call newspaper reporter riding with an officer who wrote a very nice article about the Traffic Blitz. Chief Egly anticipates there will be more Traffic Blitz programs in the future. Hilltown Township will also be joining in on an application with other police departments on a possible grant for running DUI checkpoints.

Chairman Bennett asked if the recorded False Alarm reports are mostly residential or commercial. Chief Egly replied most are commercial, and at this point, almost everyone has used their four free false alarms. At present, there is a great amount of bookkeeping on sending out the fines to collect the monies.

F. CODE ENFORCEMENT OFFICER'S REPORT - Mr. Eric Applegate -

Mr. Applegate read the Code Enforcement Officer's Report for the month of August, which is on file at the Township office.

Due to the increasing workload in the Zoning/Building Department, motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to advertise for a part-time Zoning Officer, to begin serving the Township in January of 1993. This would include a maximum work week of 30 hours. Chairman Bennett noted from Mr. Wynn's experience, he feels the part-time Zoning Officer could do the job in 20 hours per week.

G. HILLTOWN FIRE CHIEF'S REPORT/EMERGENCY MANAGEMENT REPORT -

Mr. Grunmeier was not in attendance this evening, however he Mr. Horrocks had some items to bring to the Board's attention.

1. Mr. Horrocks presented the new Emergency Management Plan, which he will copy for the Board. Adoption of this new plan will require a Resolution, and it could be adopted at the second meeting in September. The format of the plan has apparently changed significantly, while most of the content has remained in tact.

2. Mr. Horrocks read a press release issued by the Hilltown Township Emergency Management Agency, which follows:

"The Hilltown Township Emergency Management Agency is seeking the names and addresses of hearing impaired residents. This imparity could hinder emergency audio notification to these residents if evacuation was implemented. Also, residents with physical disabilities and/or mental health problems that would require specialized equipment, supervision, or transportation if evacuation would be necessary. Contact the Hilltown Township Administration Office for information."

H. RESIDENT'S COMMENTS -

1. Mrs. Imogene Kopp - Broad Street - Mrs. Kopp wished to know the status of the violation notice concerning R & R Enterprises, who own the property next to hers. Mrs. Kopp advised nothing has been done to the property during the last two years, and has become quite overgrown. A violation notice was sent to the owner of the property by the Township, with no response.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Code Enforcement Officer to file this matter in the District Justice Court.

2. Mr. Bill Gartner - Mr. Gartner noticed that recycling at Waste Management on Progress Drive has been cut back to two days a week.

Mr. Gartner also asked the status of the Hillcrest Road bridge. Supervisor Fox mentioned that had been discussed earlier this evening. Mr. Horrocks replied work is in progress and the Township is getting closer to completion.

Mr. Gartner asked the status of his neighbor's weed violation on Green Street. Mr. Applegate replied the case has been filed in District Justice Court and the property owner himself was fined \$4,000.00, with the co-owner of the property also fined \$4,000.00. To Mr. Applegate's knowledge, the fines have not yet been paid.

I. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington received a very disturbing letter from Mr. Applegate concerning Centennial Ridge townhouses.

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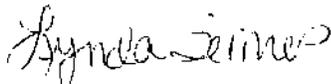
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Supervisor Bennington asked Mr. Applegate if he has visited Centennial Ridge since the letter was written. Mr. Applegate explained a resident of Centennial Ridge submitted a building permit application to install repairs for the problem. Mr. Applegate did inspect Mr. Anderer's home, however as far as the other units, he has not had the opportunity to view them. Supervisor Bennington requested that Mr. Applegate meet with the Board before the next Supervisor's meeting to give an in depth accounting of the problem and the solutions to rectify it. Mr. Horrocks asked if the Township Solicitor could also be included in that meeting, since the Township has no idea as to what the building codes were at the time of construction, and the requirements expected of the Township at the time. This will involve quite a bit of research. Supervisor Bennington is concerned that something may happen and injuries could take place. Another reason Mr. Horrocks would like the input of the Township Solicitor is to define the Township's role in the matter. It is believed there are approximately 125 units in the Centennial Ridge development, and that they were constructed around the same time as Green Meadows.

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

2. ADJOURNMENT - Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the worksession meeting of the Hilltown Township Board of Supervisors at 8:35PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

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