

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, December 23, 1991
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:40PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Kenneth B. Bennington, 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 this was Vice-Chairperson Betty J. Kelly's last official meeting as a Hilltown Township Supervisor. Chairman Bennett presented Resolution #91-49 honoring Supervisor Kelly for her service and dedication to the community over the past six years.

Supervisor Kelly thanked the residents of Hilltown Township for their trust in her to perform the duties of Township Supervisor these many years and further stated she felt it was time for her to relax and enjoy herself. Supervisor Kelly stated she would be attending Supervisor's meetings in the future, sitting right in the front row, to "keep tabs" on incoming Supervisor, Jack C. Fox.

Chairman Bennett announced there are two advertised Public Hearings on the agenda this evening. The first is scheduled for 8:00PM and is for review and adoption of the proposed 1992 Budget. At 8:30PM, there is an advertised hearing for the review and possible adoption of the Waste Flow Control Ordinance and the Contractor's License Ordinance.

Chairman Bennett advised the Supervisors met in Executive Session prior to this meeting to discuss personnel and pending litigation.

A. APPROVAL OF MINUTES:

Action on the minutes of November 25, 1991 Board of Supervisor's meeting:

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the November 25, 1991 Board of Supervisor's meeting as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented the Bills List dated December 23, 1991 totalling \$43,830.25, with a major part of that being the purchase of the remaining two police vehicles in the amount of \$32,620.00.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to accept the bills as presented for payment on December 23, 1991.

1063

C. TREASURER'S REPORT:

Chairman Bennett presented the Treasurer's Report as of December 23, 1991:

General Fund Checking Account
End of Month Balance - \$81,385.00

Payroll Checking Account
End of Month Balance - \$83.34

Fire Fund Checking Account
End of Month Balance - \$35,302.00

Debt Service Investment/Checking Account
End of Month Balance - \$5,678.00

State Highway Aid Checking Account
End of Month Balance - \$28,603.00

Escrow Fund Checking Account
End of Month Balance - \$134,139.00

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to accept the Treasurer's Report as read, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY:

1. Mrs. Jean Bolger questioned the 1992 Proposed Budget. Chairman Bennett asked Mrs. Bolger to address her questions to the Board of Supervisors during the advertised Public Hearing to be held at 8:00PM.

E. CONFIRMED APPOINTMENTS:

1. Mr. Samuel Pierce - Friends of the Library - Mr. Pierce presented financial information and Hilltown Township resident library usage percentages concerning the Samuel Pierce Branch of the Bucks County Free Library in Perkasio. Mr. Pierce advised the County and the State have both cut down on funds available to support public libraries. Mr. Pierce commended those volunteers of the Friends of the Pierce Library, who, from it's very inception in 1955, have devoted thousands of hours of volunteer service to help the library and the community as a whole.

Mr. Pierce stated Parks and Recreation in Hilltown Township is a wonderful facility, particularly for an area of this type, however for each person who makes use of recreational facilities in Hilltown Township, there are approximately five times as many who read for recreation. In 1990, Hilltown Township residents constituted over 20% of all book borrowers in the Samuel Pierce Branch of the Library in Perkasio. In 1991, that figure rose to 22 1/2%.

Mr. Pierce understands the Park and Recreation Board's concerns regarding the use of the former municipal building, however, Mr. Pierce feels the efforts of the Friends of the Pierce Library, who currently lease that building, are just as important and as worthy a cause as recreational facilities. Mr. Pierce is requesting that the Board of Supervisors consider a three year lease to the Friends of the Pierce Library, to continue to run their Thrift Shop.

Chairman Bennett advised this issue was discussed when Mrs. Vi Seigfried was in attendance at a previous meeting. At that time, the Supervisors felt since the usage of the former Municipal Building is the responsibility of the Park and Recreation Board, the issue should be deferred to that Board. It was the Park and Recreation Board's unanimous recommendation that the Township continue on a one year lease basis with the Friends of the Pierce Library.

Supervisor Kelly commented the volunteers at the Thrift Shop do a fantastic job and she feels they should be given a three year lease for the portion of the former Municipal Building they currently lease. Chairman Bennett assured Mr. Pierce that his wishes would be conveyed, once again, to the Park and Recreation Board for further consideration.

2. Mr. Jack Hetherington - Our Lady of the Sacred Heart Church - Mr. Hetherington thanked Supervisor Kelly for her hard work and dedication during her reign as Township Supervisor.

Mr. Hetherington was in attendance on behalf of Our Lady of the Sacred Heart Church, located on the corner of Rt. 152 and Hilltown Pike. The site consists of 11+ acres and currently contains an existing pentagon shaped church, a storage building, and an elementary school. The present school contains grades four through eight, with the first three grades being taught at St. Agnes Church in Sellersville. The parish hopes to plan for the future by anticipating expanded enrollment by constructing an addition to the existing school building.

The proposed addition would involve four new classrooms, a cafeteria, a gym and an auditorium. The zoning on either side of the site includes Village Center on Hilltown Pike and Rural Residential on Broad Street. The existing building's distance from the lot line does not meet Hilltown Township's present Zoning Ordinance requirements. In reviewing the Zoning Ordinance, Mr. Hetherington found there are some setback requirements which specifically apply to churches, however he did not find any requirements clearly delineated for schools. On the church's behalf, Mr. Hetherington is asking the Supervisor's consider waiving the fees involved with appearing before the Zoning Hearing Board.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to waive the Zoning Hearing Board fees for Our Lady of the Sacred Heart Church addition.

F. 1992 BUDGET - The regularly scheduled Board of Supervisors Meeting of December 23, 1991 was adjourned at 8:05PM to begin the advertised Public Hearing for Review and Adoption of the Proposed 1992 Budget.

Mr. Bruce Horrocks, Township Manager, presented copies of the revised 1992 Budget. Hilltown Township now has a budget that estimates income for 1992 at \$1,945,110.00. The same budget also estimates expenditures at \$1,945,110.00, therefore balancing the proposed 1992 budget at zero, with no deficit, no surplus, and presently no need for a tax increase and no personnel lay-offs. Mr. Horrocks advised this proposed budget is extremely lean, with no room for error. There is a contingency account of only \$3,546.00.

Chairman Bennett commended Mr. Horrocks for his work on the budget, though frankly, Chairman Bennett felt it was too tight. Roughly 10% of the taxes come from the Real Estate tax, and the Earned Income tax is forecasted at \$853,000.00 for 1992. Tax collections, with the year almost complete, are down \$78,000.00 from budget, or approximately 6%. Chairman Bennett is concerned about the economy in 1992, as the Wall Street Journal had just stated that this is the worst recession the United States has seen since World War II. Tax delinquencies in Hilltown Township are presently at 120, the highest they have ever been. Typically, tax delinquencies in Hilltown Township are in the neighborhood of 15 or 20 per year. Chairman Bennett believes the proposed 1992 Budget could be approved this evening, if the Board so agrees, since it is a balanced budget. There is a 45 day time period, into the new year, to revise a budget, however Chairman Bennett would like to discuss the possibility of establishing a greater contingency fund in the amount of approximately \$50,000.00 to \$100,000.00. To provide a contingency fund, the Township would either be forced to raise taxes or force a lay-off of personnel. Chairman Bennett stated Bucks County will be raising their taxes by 3 mills, and the Penridge School District may have a possible 22 mill increase for 1992, just to pay for past problems.

1. Mr. John Bolger - In spite of promises made by some County Commissioners not to raise taxes in 1992, Mr. Bolger stated the County did raise taxes by 3 mills. The Penridge School District and the Sheriff will also be raising taxes. Times are bad and people are losing jobs. Mr. Bolger did not understand how government could raise taxes in such difficult economical times. Mr. Bolger stated private businesses are cutting wages and benefits, and felt the Township should do the same, in order to avoid tax increases.

Mr. Bolger questioned the 1991 Tax Anticipation loan in the amount of \$265,000.00 listed in the proposed 1992 Budget, and asked when it had been repaid. Chairman Bennett replied the loan does not have to be repaid until December 31, 1991. The Township invested \$165,000.00 of that Tax Anticipation loan in a one year CD at approximately 7.5%, which expires on December 28, 1991. Mr. Horrocks stated the balance of \$265,000.00 will zero out when the expenditure is paid. Discussion took place concerning the 1991 Tax Anticipation loan.

*The Public Hearing took a 10 minute recess at 8:25PM to discuss and review budget figures. The Public Hearing for the proposed 1992 Budget reconvened at 8:40PM.

Mr. Horrocks advised the Tax Anticipation loan is currently being shown in the "revenue" section of the proposed budget, under the Year End Estimate. On December 31, 1991 or sooner, when the Tax Anticipation Note is paid, the amount of \$265,000.00 will also appear as an expenditure. Mr. Horrocks explained there will be \$85,300.00 available in the General Fund balance, with one bills list to be paid in 1991, in the amount of \$41,500.00. The remaining balance in the General Fund would then be \$43,800.00. The total General Fund money that will be required for repayment of the Tax Anticipation loan is \$102,000.00 (including \$2,000.00 in interest). This would leave the Township with a negative of \$58,169.00 for 1991. Later in this meeting, during the Solicitor's Report segment of the agenda, Mr. Horrocks commented the Board of Supervisors had planned on passing a resolution to borrow \$60,000.00 from the Bond Fund to pay for the five police vehicles, which was a capital expenditure in 1991. Chairman Bennett explained the Bond Fund currently has a balance of \$359,000.00 as of this date, with \$12,000.00 interest due on December 31, 1991.

Chairman Bennett stated the police vehicles cost approximately \$64,000.00, which was not in the 1991 budget. Mr. Bolger asked how long the police vehicles normally last. Chief Egly replied police vehicles need to be replaced after approximately two years. Mr. Bolger felt the Supervisors were playing a dangerous game by funding the purchase of police vehicles from the proceeds of the Bond Issue. Chairman Bennett agreed with Mr. Bolger, in principle, however he thought police vehicles, due to their relatively short-term lifespan, should be an operating expense rather than a capital expense. On the other hand, Chairman Bennett advised, atleast one new truck will be purchased in 1992 for the Public Works Department, and he considers that a capital expense because it is a \$50,000.00 item and is replacing a 1975 truck.

2. Mrs. Jean Bolger - Mrs. Bolger does not want the Board of Supervisors to raise taxes, nor does she want them to lay-off employees. Mrs. Bolger felt the Township should "tighten their belts", just as private citizens must do during these economically difficult times.

Mrs. Bolger questioned police overtime, and asked the basic reasons for police overtime. Within the past year, Chief Egly replied, a large amount of drug enforcement work has created police overtime, as well as speed checks. Chief Egly explained it requires more than two officers to conduct a speed check, operate the machine, and write tickets. In most cases, four officers are needed for a speed check - one to operate the machine and three to write tickets.

Mrs. Bolger commented since arbitration has taken place, she feels Hilltown Township police officers, of which there are many, are making a fair salary. Mrs. Bolger felt every "cadillac department" must begin tightening their budget. If there was a choice, Supervisor Bennington asked Mrs. Bolger if she would rather see a one mill tax increase or one police officer lay-off. Mrs. Bolger replied she would be in favor of the lay-off. Supervisor Bennington advised the lay-off of a police officer could possibly result in delayed response times to emergency situations. Mrs. Bolger did not necessarily agree and felt there would be adequate police protection in Hilltown Township, even if a police lay-off were to occur. Mrs. Bolger stated police coverage from neighboring municipalities could be used in emergency situations. Chief Egly commented police back-up from neighboring municipalities may not be an option, since there are more alcohol related problems, more domestic disturbances, and more house burglaries, due to the economic situation. Chief Egly advised some services will be cut in 1992, including responding to lock-outs of cars or homes in the Township.

Chairman Bennett commented one of the reasons it is so difficult to cut the budget, is because base salaries of Hilltown Township employees make up \$906,000.00 of the \$2,000,000.00 budget. With employee benefits, that total reaches \$1,350,000.00.

Supervisor Bennington commented Hilltown Township's budget must stand alone, and we cannot be held responsible or accountable for the increases Pennridge School District or Bucks County adds to their tax millage.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to tentatively accept the proposed 1992 Budget this evening, even though it will really not be balanced by January 6, 1992.

G. 9:02PM - ADVERTISED HEARING FOR REVIEW AND POSSIBLE ADOPTION OF THE WASTE FLOW CONTROL ORDINANCE:

Mr. John Rice, Township Solicitor, stated there have been two Ordinances advertised for this evening, including the Waste Flow Control Ordinance of Hilltown Township. This is essentially the model Ordinance the County has mandated that all municipalities in Bucks County must adopt, with some changes to suit Hilltown Township's needs.

Solicitor Rice advised this Ordinance was advertised in the December 4, 1991 edition of the Perkasie News Herald. The full text of the Ordinance has been available since that date at the News Herald, the Hilltown Township Municipal Building and the Bucks County Law Library. The document was filed at the Bucks County Law Library on November 23, 1991.

Solicitor Rice read a summary of the various sections of the Waste Flow Control Ordinance:

Section 1: Waste Flow Control Licensing Ordinance of Hilltown Township; Section 2: Sets forth various definitions consistent with the Solid Waste Management Act and Act 101; Section 3: Provides for designation of processing and disposal facilities for the Township by separate Resolution; Section 4: Prohibits certain activities; Section 5: Provides specific and general standards for collection and transportation for all collectors and waste haulers operating within the Township, Section 6: Sets forth various standards for licensing application and provides for the establishment of a yearly license fee; Section 7: Reporting requirement; Section 8: Provides for penalties; Section 9: Provides for the ability of the Township to initiate an equity action to enforce the Ordinance; Section 10: Severability Clause; Section 11: Provides for conflicts with other Township Ordinances; Section 12: Effective date, which is proposed to be January 1, 1992.

Mr. Bolger asked what would be prohibited according to this Ordinance. Solicitor Rice replied scavenging is a practice that is prohibited. Several residents asked why this practice is prohibited. Solicitor Rice read the definition of "scavenging" according to the proposed Ordinance: "Shall mean the unauthorized and uncontrolled removal of any materials stored or placed at a point for subsequent collection, or from a processing or disposal facility." Mr. Jack Hetherington commented his father was a licensed scavenger for thirty years in Philadelphia. Mr. Hetherington asked if that would not be allowed under this Ordinance. Solicitor Rice replied it would not be permissible without obtaining a license. Discussion took place concerning scavenging. Chairman Bennett felt a possible example of why scavenging might be prohibited is because a few years ago, when aluminum cans were bringing 55¢ per pound, there were several scavengers in this area, collecting the cans and selling them for a profit. Solicitor Rice stated the Ordinance is designed to not only license haulers, but also to document where waste and recyclables are being deposited. There are also certain reporting requirements and insurance requirements for all collectors and haulers, within the proposed Ordinance.

Supervisor Bennington noted this Ordinance is a directive of Bucks County and is mirrored from Bucks County's specified model Ordinance. Solicitor Rice explained that pursuant to the adoption of Act 101 in 1988, which essentially gave DER certain mandatory powers and duties. The State directed DER to implement a program to reduce municipal waste and to recycle. Much more complicated than that, Act 101 also provides for grants to municipalities who can prove that they have reduced municipal waste and have initiated recycling. The master plan under that Act, was to make Bucks County the implementer of the Act, on a county-wide basis. Counties all over the State have implemented various types of plans. Bucks County decided to essentially delegate the responsibility to the local municipalities. Part of that mandated responsibility was to adopt this Ordinance by the end of 1991, and to designate a site for all municipal waste materials to be deposited.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Ordinance #91-6 accepting the Waste Flow Control Ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-50, setting the \$100.00 licensing fee and designates the municipal waste deposit facilities, concerning the Waste Flow Control Ordinance.

H. PUBLIC HEARING FOR REVIEW AND POSSIBLE ADOPTION OF THE CONTRACTOR'S LICENSE ORDINANCE:

Solicitor Rice stated the Contractor's Licensing Ordinance was advertised in the Perkasio News Herald on December 11, 1991 and filed at the Bucks County Law Library on December 5, 1991.

Solicitor Rice summarized the Contractor's Licensing Ordinance:

- This is an Ordinance of the Township of Hilltown, requiring the licensing of any person who undertakes or offers to perform construction, repair, re-roofing, remodeling, rehabilitation, alterations, installations, repairs, demolition, etc., on any residential or non-residential construction. The Ordinance provides certain definitions, exceptions and exemptions, provides for applications for licenses, provides for license fees, provides for revocation and prohibits certain acts, and also provides for certain fines and penalties.

Mr. Eric Applegate, Building Inspector/Zoning Officer, initiated and proposed this Ordinance to the Board of Supervisors. In the past, the Township has been licensing plumbers, and plumbers only, for many years. This Ordinance is an attempt to remedy that situation and to provide strictly for a Contractor licensing process.

Mr. Bolger asked if he must obtain a license to repair his own home. Solicitor Rice replied the purpose of the Contractor's License does not regulate a homeowner doing work on his own property and one of the exemptions of this Ordinance is a person who performs labor or services for a contractor for wages or salary.

Mr. Kevin Carney, a local plumber, commented in his trade, he must be licensed in all municipalities. Mr. Carney presented a stack of current licenses from the municipalities he works in. Mr. Carney stated he must pass a test to receive licenses in different municipalities, however in the past, he could immediately be issued a license in Hilltown Township, without taking a test. Mr. Jim Kelly commented that plumbing is the only trade that requires testing in the state of Pennsylvania. Mr. Carney felt the Contractor's License Ordinance was a good idea, though he felt the amount of insurance required and specified in the Ordinance was not high enough.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Ordinance #91-7 concerning the Contractor's License.

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

1. Mr. Horrocks presented fifteen Escrow Releases for approval this evening, five of which are cash escrows held by the Township:

Broderick	Voucher #27	\$ 852.86
Cheeks, Inc.	Voucher #07	\$ 878.37
Cheeks, Inc.	Voucher #08	\$22,000.05
Deerfield	Voucher #25	\$ 6,375.96
St. Philip's Church	Voucher #07	\$ 311.37
St. Philip's Church	Voucher #08	\$12,451.89
Spring Hill Realty	Voucher #03	\$98,637.30
Spring Hill Realty	Voucher #04	\$ 1,318.04
Sterling Knoll II	Voucher #43	\$11,546.66
Stone (Lot #1)	Voucher #01	\$15,345.00
Stone (Lot #1)	Voucher #02	\$ 1,705.00
Stone (Lot #1)	Voucher #03	\$ 176.64
Stone (Lot #2)	Voucher #01	\$ 2,025.00
Stone (Lot #2)	Voucher #02	\$ 225.00
Stoneycrest	Voucher #03	\$94,903.88

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

2. Traffic Light - Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-51 to request the "stop ahead" flashing warning device at the Diamond Street/Rt. 113 intersection. The device will be installed pending approval from PennDot.

3. Mr. Horrocks advised a request for waiver of a directional sign fee has been received from St. Philip's Church. The location of the sign will be at the intersection of Old Bethlehem Pike and Cherry Lane.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to waive the directional sign fee for St. Philip's Church.

4. Previously, a request for a waiver of land development fees had been received from Mr. Bachman concerning a building addition. Mr. Applegate felt the request should be submitted as a Land Development. Mr. Applegate advised the Ordinance he must enact and enforce states that the land development process is required for the improvement of any residential lot.

Mr. Wynn explained the site is next to the Telford Industrial Park on Tech Drive. There is presently an ornamental iron works business, and possibly two other businesses on the site. Mr. Wynn had received a copy of the plan and thought the site had a site plan at one point. Mr. Wynn noted the survey plan submitted is actually dated 1985, and is incomplete for a land development

~~plan. He does not feel the plan totally represents everything that is going on at the site right now. Considering there is a proposed 60' X 60' addition to an existing building, Mr. Wynn recommended denying the waiver request, pending receipt of further information concerning the site.~~

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to table the Bachman plan, as stated by Mr. Wynn.

J. CORRESPONDENCE:

1. Correspondence has been received from the Indian Valley Opportunity Council referring to the overpopulation of a single family dwelling on Reliance Place, which had been discussed at a previous meeting in September, 1991. At that time, the Board had agreed to allow the family to remain in the home until December 31, 1991. The family has been able to purchase another home, however the home will not be available for occupancy until sometime in January, 1992.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to grant the residents a 30 day extension until January 1, 1992.

K. SOLICITOR'S REPORT- Solicitor John Rice -

1. Solicitor Rice presented two proposed Resolutions. The first, Resolution #91-52, would be to authorize the Township to utilize \$60,000.00 from the Bond Fund, Series A, for the purchase of the police department vehicles, which had been previously discussed. Resolution #91-53 is also a financing Resolution, authorizing the issuance of Tax and Revenue Anticipation Notes, in the principle amount of \$300,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-52 to authorize the Township to utilize \$60,000.00 from the 1989 Bond Fund for the payment of police vehicles.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-53 authorizing the issuance of Tax and Revenue Anticipation Notes for 1992, in the principle amount of \$300,000.00, which will only be tapped as needed.

2. Solcitiior Rice presented Resolution #91-54, an acceptance Resolution for a Deed of Dedication related to the Atkinson Subdivision for road right-of-way at the intersection of Callowhill Road and Hilltown Pike. Resolution #91-55 is accepting Public Purpose for the Atkinson Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-54 for Deed of Dedication concerning the Atkinson Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-55 to accept Public Purpose for the Atkinson Subdivision.

3. Concerning the refund request from Mr. Wallace Rosenthal of Mr. J.R. Associates regarding Land Development fees he paid approximately one year ago, Solicitor Rice has discussed the situation with both Mr. Wynn and Mr. Applegate. An application was made, the plan was reviewed and ultimately denied. Mr. Rosenthal now feels he is entitled to a refund of the Land Development fees. It is Solicitor Rice's opinion there is no authority for the Township to reimburse an applicant who files a Land Development plan that is ultimately denied. Mr. Wynn explained the applicant's plan was not denied, it was withdrawn by Mr. Rosenthal's attorney in January of 1991. Solicitor Rice stated since the plan was reviewed by the Township Engineer, and was addressed at a public meeting, that fee was paid to cover those costs.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the recommendations of the Solicitor to deny Mr. Wallace Rosenthal's request for a refund of Land Development fees.

4. Solicitor Rice mentioned the property located at South Perkaskie Road and Blooming Glen Road, a former meat packing facility currently owned by Vernon Horn, and a company that he controls called Rents, Inc.

Mr. Applegate has attempted to ensure compliance with a prior Zoning Hearing Board decision that was rendered approximately 5 years ago, involving a change in a non-conforming use to another non-conforming use. There was a prohibition in that decision that there be no outdoor storage. Mr. Applegate has filed citations against the property and a hearing was held on December 6, 1991 at District Justice Court. At that time, District Justice Hunsicker fined Mr. Horn \$4,000.00 and that has been appealed by Mr. Horn. Hilltown Township has until December 31, 1991 to file a Civil Enforcement Complaint. Solicitor Rice is requesting authority to do that and also to include the tenants of that property in the Complaint. Solicitor Rice feels the Township's enforcement is primarily directed at Mr. Horn, however the tenants are involved, and to pursue the filing of a Complaint at this level would involve going to County court. It is possible that if the tenants were not included in the Complaint, the Township would not be able to insure complete compliance.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to file a Civil Enforcement Complaint against Mr. Vernon Horn and Rents, Incorporated, including his tenants.

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

1. Bearings and Drives - This site is located at the intersection of Cherry Lane and Bethlehem Pike. The plan was approved as a site development plan in 1983 and there was a three phase development proposed. As shown on the plan, there is a single building to be constructed in three phases, consisting of 12,000 square feet.

The first phase, which was completed in 1984, included the improvements along Bethlehem Pike and installation of a deceleration lane, installation of the parking area along the front, installation of the driveway through to Cherry Lane, installation of street trees and installation of the retention basin. The site has since connected to public sewer.

The owners of Bearings and Drives appeared before the Planning Commission and requesting to proceed with construction of what is shown as Phase II of the plan, which is also a 12,000 sq. ft. addition. The applicant did not believe that they would ever construct Phase III of the plan, and in fact, the sewer lines which were installed since 1983, now run through where Phase III had been proposed. The applicants are seeking permission to proceed with the plan, even though more than five years have elapsed since the original plan approval, and the remaining improvements on the site were installed.

The Planning Commission unanimously recommended Bearings and Drives be allowed to extend the time period and obtain a building permit for Phase II, conditioned upon connecting the site to public water. Since 1983, the Township adopted a Land Development regulation that would have required the applicant to connect to public water. Bearings and Drives are bringing the site into compliance with what appears to be the only changes in the Ordinance that would affect the plan.

Supervisor asked how many years will be included in the extension recommended by the Planning Commission. Mr. Wynn replied the applicant indicated they would most likely construct Phase II in 1992.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to follow the recommendation of the Planning Commission and to allow Bearings and Drives to proceed with construction of Phase II by granting an extension of one year until December 23, 1992, based upon the conditions as noted by Mr. Wynn.

2. Hager Subdivision - This plan proposes a three lot subdivision located on Rickert Road, just on the other side of the bridge, below Forest Road. Lot #1 and Lot #2, located along Rickert Road, are proposed as building lots. The balance of the tract, consisting of approximately 15 acres, is shown as a flag lot and is specified as Lot #3 on the plan. Lot #3 is reserved for future development. The applicant has presented a plan to the Planning Commission containing a cul-de-sac street. The applicant intends to develop the rest of the tract, however they are trying to proceed with the sale of one lot immediately, so they may borrow capital to complete the project.

Mr. Wynn felt the proposal was somewhat unique in that the plan on sheet three shows curbing and widening along the frontage of the site. To facilitate that, regrading needs to occur since it is a relatively steep bank and street trees are also proposed to be installed. All the improvements are being proposed to be completed in conjunction with the development of Lot #3.

Also, in conjunction with the development of Lot #3, Lots #1 and #2 are connected a central water system, which will be required for the major development of approximately 10 lots. The applicant has requested, and it has been recommended by the Planning Commission, that those improvements be allowed to be constructed with the development of Lot #3, provided that occurs within an 18 month period of recording this plan.

At this point, Mr. Wynn stated the applicant would need to financially guarantee the re-grading and installation of street trees along the frontage of the site. The re-grading activity actually occurs beyond the right-of-way area and there is an easement across the frontage of both Lots #1 and #2, so that grading may occur in the future, should the property change hands. In addition to that being a condition of plan approval, there are also some other items such as approval from the Bucks County Conservation District, Planning Module approval, installation of property monumentation, and the escrow agreement for not only that work, but for the immediate installation of a shared driveway for the lots. At the location of the future roadway, and currently shown on the plan, is a proposed temporarily shared driveway access to both Lots #1 and #2, in the event that one or both of those lots are developed before the installation of the roadway. Discussion took place concerning the delay of improvements for this site.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the preliminary/final plan for the Hager Subdivision, based upon the recommendations of the Planning Commission and conditional upon the items as stated by Mr. Wynn.

3. Quiet Acres - Act 537 - Mr. Wynn noted at the last Supervisor's meeting, the Board approved the final plan for Quiet Acres Mobile Home Park expansion. One of the conditions of that plan was approval of the Planning Modules by DER. The Supervisors had not actually passed a Resolution to forward the Planning Modules to DER because at that point, the Township did not yet have the Bucks County Planning Commission or the Bucks County Department of Health reviews. Those reviews have since been received. Mr. Wynn is requesting the Board approve a Resolution for a plan revision for a new land development, to provide for the public sewer extension and connection of the proposed expansion of Quiet Acres Mobile Home Park.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-56 for Planning Modules to be sent to DER for the Quiet Acres Mobile Home Park expansion.

4. Stoneycrest Subdivision - Mr. Wynn presented revised linens for signature to correct some minor dimensional errors on the internal lots. This development is underway, located partially in Perkasio Borough and partially in Hilltown Township. During the actual stakeout, it was discovered that some items did not quite fit. The only change that will take place in Hilltown Township's portion of the development is a bearing, which was incorrect. There were several changes within Perkasio Borough, as well. The status of the portion of the development located in Hilltown Township is that curbing has been installed and paving binder is complete.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize re-signing of the revised Stoneycrest linens to correct the one internal bearing.

M. LINENS FOR SIGNATURE:

1. Atkinson Subdivision
2. Pileggi Subdivision

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

1. Schade Subdivision (Extension) - Mr. Wynn explained this subdivision, located on Green Street and Rickert Road, has a subdivision agreement with a letter of credit from Union National Bank and Trust in the amount of \$42,600.00. The agreement and letter of credit expires December 31, 1991. The \$42,600.00 guarantees installation of it's own right-of-way, grading, driveway entrances, and street and buffer trees. Correspondence was received from Ms. Schade requesting that the completion date be extended to December 31, 1992. Ms. Schade has indicated she will produce a new letter of credit for that same term, if acceptable to the Board. No improvements have taken place at this time, and the applicant has not yet sold any of the lots, which Mr. Wynn believes is the reason for not completing any of the improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to extend the Schade Tract Subdivision letter of credit for one year, until December 31, 1992.

2. Broderick Subdivision - Mr. Wynn informed the Board no request has been received from Mr. Kemmerer to release the funds and he recommends the plan be tabled until such correspondence has been received.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to table the Broderick Subdivision plan per Mr. Wynn's recommendation.

3. St. Philip's Church Land Development - A request has been received from St. Philip's Church to begin their 18 month maintenance period. The applicant still has right-of-way area and other portions of the site which needs to be more stablized in the spring. The only other item not yet completed is the orifice plate which is not on the retention basin, and a temporary

structure still remains. The applicant will relieve the temporary structure on the outlet of the retention basin until the site is completely stable, and a plate will then be installed over the outlet pipe. Mr. Wynn recommends the Board authorize commencement of the 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to begin commencement of the 18 month maintenance period for St. Philip's Church Land Development.

Mr. Wynn advised the applicant has a misunderstanding of how the agreement works. They have requested all the funds be released, with the exception of approximately \$500.00. Mr. Wynn stated the actual agreement requires 10% retainage, or approximately \$5,000.00 retainage. Mr. Wynn will explain the procedure to the applicant.

O. RESIDENT'S COMMENTS:

1. Mr. John Bender asked for an update on the submissions for the Agricultural Security District. Mr. Horrocks replied the Supervisors will appoint an advisory committee by the Reorganization Meeting scheduled for January 6, 1992. There have been approximately 10 Agricultural Security District applications received by the Township to date.

2. Mr. John Snyder stated there has been an annual Reorganization Meeting of the Zoning Hearing Board for the past two years, normally held before their first scheduled hearing in January. In that the Zoning Hearing Board's first hearing for 1992 has already been advertised, Mr. Snyder requested the Township advertise the Zoning Hearing Board Reorganization Meeting to be held at 6:45PM on Thursday, January 9, 1992. This meeting will be held prior to the first scheduled hearing for 1992.

Concerning the proposed 1992 Budget, Mr. Snyder commented as a volunteer fireman and a volunteer firepolice in Hilltown Township, there are approximately 200 manhours of calls handled by the firepolice alone, which has alleviated 200 manhours of service the police department would normally handle. Also in that period of time, part of that duty was riding with the Hilltown Police Officers. Mr. Snyder does not feel the Township residents realize the stress these men are under on a day to day basis. If one, or possibly two officers or police personnel would be removed from the Township, Mr. Snyder feels it will become more difficult for everyone involved and will certainly cause longer delays for police response to emergency calls.

P. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington advised the Zoning Hearing Board made a decision concerning the BARC home in November, 1991. Supervisor Bennington is not convinced that decision was the right one to make, based upon the fact it was determined it was a "single family dwelling", as opposed to a "group home". Since the Board of Supervisors have the right to appeal a decision made by the Zoning Hearing Board to the Court, and there is a time frame involved in which to do that, Supervisor Bennington suggested the Board make a decision this evening as to whether they wish to proceed with an appeal.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend the Board of Supervisors discuss this issue in Executive Session following this meeting and to vote at the January 6, 1992 Reorganization Meeting.

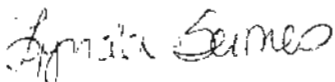
2. Supervisor Bennington stated he and Supervisor Kelly have had their differences over the years, however during the past few years, the Board of Supervisors have worked together, not always agreeing, but coming to a decision based upon input from all three Supervisors. Supervisor Bennington appreciates the time and effort Supervisor Kelly has given to the job, since there are not many people who would step forward to be a Supervisor in any Township or municipality. Supervisor Bennington commented he would like to represent the residents of Hilltown Township in thanking Supervisor Kelly for giving six years of your life to Hilltown Township.

Chairman Bennett concurred with Supervisor Bennington's statements, and felt during the past year, the Board of Supervisors have become more unified in their thinking and decisions. Supervisor Kelly stated she felt even Jack Fox has mellowed. Chairman Bennett commented that Supervisor Kelly could possibly be appointed to one of the vacant positions on a committee, to further continue to serve Hilltown Township.

Q. PRESS CONFERENCE: A conference was held to answer questions from those members of the press that were in attendance.

R. ADJOURNMENT: There being no further business, a motion for adjournment was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to adjourn the December 23, 1991 Hilltown Township Board of Supervisors meeting at 11:17PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering
71 West Broad Street
Oakertown, PA 18951

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

Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: December 23, 1991

1. Broderick - Voucher No. 27 dated December 20, 1991 in the amount of \$852.86 for const. obs./esc. admin. for period from 5/1/91 thru 12/20/91.
2. Cheeks, Inc. - Voucher No. 7 dated December 16, 1991 in the amount of \$878.37 for const. obs./esc. admin. for period from 11/1/91 thru 11/30/91.
3. Cheeks, Inc. - Voucher No. 8 dated December 20, 1991 in the amount of \$22,000.05 for Bethlehem Pike widening and miscellaneous items.
4. Deerfield - Voucher No. 25 dated December 20, 1991 in the amount of \$6,375.96 for stop signs, property pins, trees, lamp posts, sidewalk/aprons.
5. St. Philips Church - Voucher No. 7 dated December 20, 1991 in the amount of \$311.37 for const. obs./esc. admin. for period from 10/25/91 thru 12/20/91.
6. St. Philips Church - Voucher No. 8 dated December 20, 1991 in the amount of \$12,451.89 to reduce escrow to retainage required.
7. Spring Hill Realty (Cefelli) - Voucher No. 3 dated December 11, 1991 in the amount of \$98,637.30 for site work, roadway, storm sewer and erosion control.
8. Spring Hill Realty (Cefelli) - Voucher No. 4 dated December 16, 1991 in the amount of \$1,318.04 for const. obs./esc. admin. for period from 11/1/91 thru 11/30/91.
9. Sterling Knoll Phase II - Voucher No. 43 dated December 10, 1991 in the amount of \$11,546.66 for lot corners, sidewalk, seeding, post lamps, and contingency for storm sewer and erosion control.
- *10. Stone (Lot #1) - Voucher No. 1 dated December 20, 1991 in the amount of \$15,345.00 for installation of septic system and buffer trees.
- *11. Stone (Lot #1) - Voucher No. 2 dated December 20, 1991 in the amount of \$1,705.00 for contingency.

- *12. Stone (Lot #1) - Voucher No. 3 dated December 20, 1991 in the amount of \$176.64 for const. obs./esc. admin. for period from 12/1/91 thru 12/20/91.
- *13. Stone (Lot #2) - Voucher No. 1 dated December 20, 1991 in the amount of \$2,025.00 for installation of buffer trees.
- *14. Stone (Lot #2) - Voucher No. 2 dated December 20, 1991 in the amount of \$225.00 for contingency.
- 15. Stoneycrest - Voucher No. 3 dated December 16, 1991 in the amount of \$94,903.88 for site work, storm sewer, roadway, and erosion control.

* FUNDS RETAINED BY THE TOWNSHIP