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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, November 25, 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: Kenneth B. Bennington, Supervisor  
Bruce G. Horrocks, Township Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
George Egly, Chief of Police  
Lynda Seimes, Township Secretary

Chairman Bennett announced Mrs. Kelly, Vice-Chairperson, would not be in attendance this evening due to her husband's hospitalization.

Chairman Bennett advised the Board met in Executive Session prior to this meeting to discuss personnel matters and possible litigation.

Chairman Bennett commented in a recent edition of the morning newspaper, a survey of several counties surrounding Philadelphia was issued listing the safest communities in the seven county area. Surrounding communities of Hilltown Township ranked within the top ten of the lowest crime areas, including East Rockhill Township with 5.23 crimes per thousand, West Rockhill with 6.7 crimes per thousand, and Bedminister with 6.9 crimes per thousand, and Perkasia with 8.04 crimes per thousand. Since Hilltown Township is surrounded by these "safe" communities, Chairman Bennett asked Chief George Egly to find out Hilltown Township's ranking in the survey.

A. APPROVAL OF MINUTES:

Action on the minutes of October 28, 1991 Board of Supervisor's meeting:

Supervisor Bennington questioned an item on page 7, regarding Plumstead Township's request for copies of Hilltown Township's 1991 expenditures, receipts and budget for their reference. Mr. Horrocks replied Plumstead Township would most likely use Hilltown Township's budget information for reference in preparing their 1992 budget, as a comparison from surrounding communities.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the October 28, 1991 Board of Supervisors meeting, as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented three sets of bills for payment, the first one being those bills due for payment on October 30, 1991 totalling \$69,311.20. Of those bills, \$3,290.69 was for escrow releases. In this particular pay period, there were several large liability insurance bills to the Gum Agency.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to accept the bills as presented for payment on October 30, 1991 and to pay all bills when due.

The second bills list presented were due for payment on November 13, 1991 totalling \$38,571.26, with State Highway Aid as an additional \$4,552.24, for a grand total of \$43,123.50.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to accept the bills as presented for payment on November 13, 1991 and to pay all bills when due.

The final bills list presented were due for payment on November 18, 1991 totals \$169,346.76. Two major bills in this pay period were the Pennsylvania Municipal Retirement Non-Uniform Pension Plan payment of \$27,768.00 and the Pennsylvania Municipal Retirement Police Pension Plan payment of \$86,370.00. The other bills on this list total \$55,000.00, and is distributed to the seven supporting fire companies. Chairman Bennett explained this is what is known as the "Foreign Fire Insurance" which the State gives Hilltown Township to pay out in it's entirety to the seven supporting fire companies. Each of the seven fire companies received an increase this year, as Hilltown Township had been allotted approximately \$4,000.00 more in 1991. The Foreign Fire Distribution for 1991, per recommendations by the Fire Panel, is as follows:

Dublin Volunteer Fire Company	\$ 3,000.00
Hilltown Volunteer Fire Company	\$30,608.76
Souderton Fire Company	\$ 3,000.00
Sellersville Fire Department	\$ 3,000.00
Perkasie Fire Company	\$ 3,000.00
Telford Volunteer Fire Company	\$ 3,000.00
Silverdale Fire Company	\$ 9,600.00

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to accept the bills as presented for payment on November 18, 1991 and to pay all bills when due.

C. TREASURER'S REPORT:

Chairman Bennett presented the Treasurer's Report as of November 22, 1991:

General Fund Checking Account  
End of Month Balance - \$221,727.90

Payroll Checking Account  
End of Month Balance - \$59.34

Fire Fund Checking Account  
End of Month Balance - \$75,637.52

\*Chairman Bennett mentioned a payment will be due the fire companies of a minimum of \$42,500.00 on the first of December. If no monies are received in the meantime, the reserve balance for the Fire Fund will remain at approximately \$32,000.00, which is where the fund started in the beginning of 1991.

Debt Service Investment/Checking Account  
End of Month Balance - \$113,579.04

State Highway Aid Checking Account  
End of Month Balance - \$62,223.42

Escrow Fund Checking Account  
End of Month Balance - \$90,923.19

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

Chairman Bennett commented on the state of finances in the Township. With five weeks remaining in 1991, it appears it will be very tight, as far as monies coming in. A brief run down on revenues in the major areas, which are behind forecast, are as follows:

1. Real Estate taxes are approximately \$14,600.00 below forecast. The major reason for this appears to be not that we had overestimated, but that there are a great number of tax delinquencies within Hilltown Township. At last count, there were approximately 111 tax delinquencies.

2. The enabling taxes are down approximately \$121,800.00 below forecast, with the major area being the Wage tax, which is approximately \$63,000.00 below forecast, with six weeks remaining. The Per Capita tax is down \$15,600.00 below forecast and the Real Estate Transfer taxes are down almost \$34,000.00 below forecast.

3. Hilltown Township is still waiting for a check from the State for Recycling in the amount of \$31,000.00, which is very critical to help pay for two new police vehicles.

4. The area that most concerns building and development is down a total of \$34,000.00 below forecast. Subdivision fees are down \$14,000.00, electrical fees are down almost \$10,000.00, plumbing fees are down \$1,000.00, and Use and Occupancy fees are down approximately \$9,000.00.

5. Another major area is the Host Fees the Township receives from Waste Management and Alderfer and Frank. The Township is approximately \$25,000.00 below forecast since their business has been very slow this year.

Fortunately, Chairman Bennett stated, expenditures in most major categories are also below the originally forecasted figure.

At this time, Chairman Bennett advised that Mrs. Florence Simons, Hilltown Township Tax Collector for the past six years, resigned from office effective December 31, 1991. There are two years remaining of the unexpired term of Tax Collector. Six applicants were interviewed for this position, and after review by all three Supervisors, Chairman Bennett announced that Mrs. Christine Morgan would be appointed to the position of Hilltown Township Tax Collector for the remaining two year term. Mrs. Morgan has been employed by Hilltown Township, on a part-time basis of approximately 20 hours a week since September of 1987. Mrs. Morgan has been 100% responsible for payroll, deductions, accounts payable, etc., and has done an excellent job on a part-time basis. Chairman Bennett advised Mrs. Morgan has lived in the Township for many years, and is attending evening classes at Temple University, with a few more years remaining until she receives her degree in accounting. Effective January 1, 1992, Mrs. Chris Morgan will take over as Hilltown Township Tax Collector for a two year term, and at the end of that term, if Mrs. Morgan chooses to continue, she will then run as a candidate for public office. Chairman Bennett stated that Mrs. Morgan will have her tax collection office here at the Township building, rather than in her home.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to appoint Mrs. Christine Morgan to the position of Tax Collector, with the full knowledge that Supervisor Kelly also agrees with this appointment.

D. DONATION PRESENTATION:

Sgt. Ashby Watts introduced Mr. Carl Dean, Director of the Harley Owners Group of Coopersburg. On behalf of the Coopersburg chapter of the Harley Owner's Group, Mr. Dean presented a check for \$100.00 to the Hilltown Township D.A.R.E. program. Mr. Dean stated the Harley Owner's Group of Coopersburg feels D.A.R.E. is a very worthwhile program and also the club would like to make Township residents aware that area motorcyclists are capable of doing more than just giving the law enforcement officers more gray hair.

As an update, Sgt. Watts informed the Board that all of the supplies needed for Project D.A.R.E. are funded strictly by donations, such as the one received this evening. Sgt. Watts and the Board of Supervisors thanked the Harley Owner's Group of Coopersburg for their donation.

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E. 8:00PM BID OPENINGS: Bid #91-10 - 1992 Dump Truck with Tailgate Spreader and Bid #91-11 - 1992 Dump Truck without Tailgate Spreader:

Mr. Horrocks opened and read the bids received:

Bid #91-10 - 1992 Dump Truck with Tailgate Spreader:

Bergeys - \$50,097.00  
B.R. Scholl - \$49,384.00

Bid #91-11 - 1992 Dump Truck without Tailgate Spreader:

B.R. Scholl - \$46,506.00

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to accept the bid proposal from B.R. Scholl for Bid #91-10 in the amount of \$49,384.00.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to accept the bid proposal from B.R. Scholl for Bid #91-11 in the amount of \$46,506.00.

F. PROPOSAL OPENINGS FOR OUTSIDE AUDITING FIRMS:

A few weeks ago, the Township advertised to receive proposals from outside auditing firms. Only one proposal was received, from Niessen, Dunlap and Pritchard, stating their fee for a 1991 audit would not exceed \$8,750.00.

Chairman Bennett explained when we had Federal Revenue Sharing, which apparently expired in 1985, it was mandatory to have an outside firm complete an audit each year. Since that time, it is not mandatory, however an independent audit has been recommended by Hilltown Township's own Auditors in the past. Niessen, Dunlap and Pritchard, a firm from Colmar, was contracted in 1989 to complete an audit.

The Board of Supervisors have considered whether outside auditors should again be hired to conduct an independent audit this year. Due to budget constrictions, the Board is divided on the issue, and it is presently not in the proposed budget. The maximum the elected Auditors are paid is \$1,200.00 each per year, or a total of \$3,600.00. The bid from Niessen, Dunlap and Pritchard, in the amount of \$8,750.00, would be approximately \$5,000.00 more.

Chairman Bennett mentioned Mr. Horrocks, Township Manager, is personally in favor of an outside audit, which Chairman Bennett himself always required when taking over a new business enterprise. A decision will not be made on the issue this evening.

With regards to the appointment of an outside audit firm, Solicitor Grabowski advised the Second Class Township Code states that if a full audit will be accomplished by an outside independent auditor, court approval is required within atleast 30 days before the new calendar year begins. Court approval and a decision by the Board of Supervisors would therefore be required by Friday, November 29, 1991. Solicitor Grabowski stated to do that, a petition must be signed by 25 Township residents requesting consideration for the appointment of an outside auditor. If the Board would decide this evening and could obtain 25 Township resident's signatures, the Solicitor's office could file the petition and have consideration by a judge by Friday, November 29, 1991.

Supervisor Bennington commented he and Chairman Bennett do not agree on this issue, and as Supervisor Kelly is not present this evening, it would be a moot point. After reviewing the proposed budget, Supervisor Bennington did not believe there was enough available monies to afford an independent audit firm. Mr. Horrocks agreed with Supervisor Bennington and stated, as much as he would like to see an outside audit, he does not feel it would be possible, with the budget situation as it stands this year.

Chairman Bennett announced an opening still remains on the Board of Auditors due to the death of an elected Auditor this past summer. The maximum amount an elected Auditor can earn is \$1,200.00 per year, working at the rate of \$6.00 per hour. The bulk of the work is done from January 10th thru March 15th of each year. If anyone is interested in applying for this position, they are asked to contact Bruce Horrocks, Township Manager. Mr. Bennington advised Mr. James Kelly, Supervisor Kelly's son, was elected to the position of Auditor based upon the number of write-in votes during the November election. Until Mr. Kelly accepts or denies this position with the Bucks County Board of Elections, that position is filled. Chairman Bennett understood, from Mrs. Kelly, that her son intended on writing a letter to the Board of Elections to deny his appointment and to remove his name from the roster.

G. 8:10PM - ADVERTISED HEARING FOR THE PROPOSED COMPREHENSIVE PLAN: Since there were a number of residents present, Chairman Bennett requested any interested party wishing to address the Board, approach the microphone to speak.

1. Mr. Robert H. Grunmeier - With regards to the proposed Comprehensive Plan, Mr. Grunmeier felt the 3 acre ruling in a Rural Residential zoning district was unfair. Mr. Grunmeier attended a seminar last week, in conjunction with the Department of Community Affairs, titled "Building Better Communities and Protecting Our Countryside", and read some excerpts from the Planning Guide, a quote by the Boston Globe, which was distributed at that meeting: "Large lot zoning at densities of one to three or more acres per lot, is often instituted for the purpose of saving open space. However, instead of saving open space, it results in much greater areas being developed at lower densities.

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Providing housing for few people, the area looks built up rather than rural, the extended trips are necessary, and much larger lots on the order of twenty to fifty acres would be necessary to maintain agricultural and commercial forestry. Large lot zoning destroys open space and town character. It consumes land at an alarming rate and leaves a bland and homogenized landscape, with the lot dimensions, building placement and road layouts predetermined by straight jacket of uniform zoning regulations." Lastly, on this particular item, Mr. Grunmeier read further, stating "Since the mid 1960's, the Pennsylvania Supreme Court has reviewed a number of cases in which municipalities had enacted large minimum lot size requirements without having developed a careful police power rationale for them." Mr. Grunmeier's understanding of that is, if indeed water is scarce in Hilltown Township, there has not been a study done of the entire Township to prove this fact. Mr. Grunmeier read further "The court took a dim view of such actions holding in Concord Township appeal. The two or three acre minimum imposed in this case, are no more reasonable than a four acre requirement struck down in national land. Minimum lot sizes of the magnitude required by this Ordinance are a great deal larger than should be considered as a necessary size for the building of a house, and therefore, not the proper subjects of public regulation. As a matter of fact, a house can fit quite comfortably on a one acre lot without being the least bit cramped. Absence of extraordinary justification, a Zoning Ordinance with minimum lot size, such as those in this case, is completely unreasonable." Mr. Grunmeier advised these statements are all documented and presented the booklet to Chairman Bennett for the Board's review.

Mr. Grunmeier felt the three acre requirement, unless there is public water, would be almost impossible in some areas of the Rural Residential District, to get water pumped to that area at this time. Mr. Grunmeier stated if the three acre requirement is passed, anyone with a home on less than three acres of ground, will then become a non-conforming use, which could lower property values. As residents get older, and with the economic situation as it is, Mr. Grunmeier asked how he can live out his life in Hilltown Township on a fixed income. One way would be to subdivide his property, however with the three acre requirement, this would not be possible. Mr. Grunmeier asked the Board of Supervisors to give this issue great thought before they proceed with approval of the proposed Comprehensive Plan.

Mr. Grunmeier stated the Bucks County Planning Commission's review of the proposed Comprehensive Plan includes many requests for revisions. Mr. Grunmeier would like the Board to think about where public water has to be provided in the Planned Commercial district. The Township needs small businesses, and with the tax situation passed by the Governor and General Assembly, small business is hard pressed. There are areas along Rt. 309, which is in the Planned Commercial I District, where public water is either not available, or is very costly.

Finally, Mr. Grunmeier commented, if indeed in the Rural Residential District, a lot size of 50,000 square feet with public water is allowable, he would like to see the plan being implemented by the Water and Sewer Authority to provide water to that area.

2. Mr. John Bender - 914 Quarry Road - Mr. Bender stated he was very happy to hear that the Planning Commission intended to recommend removal of the proposed bypass lines from maps and that they had revised the text regarding these bypasses, at the November 18, 1991 Planning Commission meeting. Unfortunately, when Mr. Bender obtained a copy of the updated Comprehensive Plan, he noticed that the text wording had been adjusted to remove the word "bypass", however the words "alternate" and "around" had been inserted in it's place. Mr. Bender did not feel this was satisfactory. The text on pages 29 and 55 reach a foregone conclusion that a bypass is necessary for Rt. 313 and the text regarding the proposed Rt. 113 bypass still remains. Mr. Bender was upset and stated we are now faced with text that suggests the need for an alternate Rt. 113 and an alternate Rt. 313. Mr. Bender presented his suggestions for the text regarding Rt. 313 and Rt. 113 and asked the Board's consideration before approving the proposed Comprehensive Plan.

3. Mr. John Bolger - Mr. Bolger noted the easel recently built for presentation of plans that are being discussed at Board of Supervisors and Planning Commission meetings, however he felt maps and information regarding the proposed Comprehensive Plan, which is being discussed this evening, should be placed on the easel. Mr. Bolger was sure that other residents in attendance were as confused as he concerning the Comprehensive Plan. Chairman Bennett advised the map in the Comprehensive Plan showing the proposed bypasses for Rt. 113 and Rt. 313 has been revised and the lines have been eliminated, so therefore it would be a moot point to post the map at this time.

Mr. Jack Fox, Chairman of the Planning Commission, noted the Comprehensive Plan was passed over a year ago, however there are some changes which had not been made at that time, and which are up for adoption this evening, including the five acre requirement and also a transportation plan, which is required. The remaining sections of the Comprehensive Plan have previously been approved.

Mr. Bolger asked how he could obtain a copy of the Comprehensive Plan. Mr. Fox replied the book may be purchased at the Township office, or it may be released for overnight review by interested citizens. Solicitor Grabowski stated there have been copies available of the proposed Comprehensive Plan for review here at the Township building, and public hearings held by both the Board of Supervisors and the Planning Commission had been advertised in the newspaper.



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Solicitor Grabowski explained the Board of Supervisors enacted a revised Comprehensive Plan in 1990. As a result of that enactment, there were certain changes that were proposed by various groups - including the Bucks County Planning Commission and the Hilltown Township Planning Commission. The two items that are the subject of the hearing this evening are the five acre minimum zoning requirement, which has been deleted, and the transportation district. These are the only two changes from the Comprehensive Plan which was adopted last year. Mr. Bolger asked if the 5 acre requirement will be totally deleted, or if it will be substituted with a 3 acre requirement. Solicitor Grabowski replied it was the recommendation of the Township Planning Commission to have a minimum zoning of three acres within a Rural Residential area.

Mr. Bolger asked if the Township is contemplating a change of zoning in the future. Solicitor Grabowski replied there is a proposed Zoning Ordinance document which has been drafted by the Hilltown Township Planning Commission, however no scheduled date has yet been set for a public hearing to review this document.

Supervisor Bennington asked Solicitor Grabowski to explain the definition of a "Comprehensive Plan". Solicitor Grabowski stated a Comprehensive Plan is a goal or philosophy of the municipality as to what it would like to see within the next fifteen to twenty years in terms of zoning, land use planning, infrastructure planning, traffic control, etc. The next step is the implementation of that goal, for example, a Zoning Ordinance is one step of that particular land use planning. Other implementation would be to review the Sewage Facility Plan or the Water Plan, etc.

If the Comprehensive Plan consists of issues the Township would like to see in the future, Mr. Bolger asked if a zoning map should be included. Solicitor Grabowski replied there are two zoning maps physically attached to the proposed Comprehensive Plan document, one being a short term land use planning map and one being a long term land use planning map. Mr. Bolger asked if he could have a copy of those maps. Chairman Bennett replied copies of maps could be obtained from the Township office. Supervisor Bennington advised there would be a copy of the approved Comprehensive Plan in the Township building as of tomorrow, which would include the changes which were approved this evening. Solicitor Grabowski suggested that if the Board does adopt a Comprehensive Plan revision this evening, there be one complete corrected copy available at the Township building. The only change being made to the maps would be the consideration of the bypass routes of Rt. 113 and Rt. 313. As to the two zoning maps, Solicitor Grabowski advised there are no recommended changes to those maps.

4. Mr. Ron Theis - Florence Circle - Mr. Theis was confused as to what is on record at the Township building. At last Monday's Planning Commission meeting, Mr. Theis stated Mr. Fox had instructed that if residents wished to view the changes in the proposed Comprehensive Plan, the corrected copy would be available for public inspection in the Township building. Mr. Theis did review the changes and found a "whited-out" versions of page 55 with the words "alternative" and "around" handwritten on the corrected copy. Mr. Theis asked if the copy that he reviewed is the same copy the Supervisors have for approval this evening. Chairman Bennett replied that it is.

Mr. Theis read the excerpts from Page 55 of the proposed Comprehensive Plan which states "It is intended that the following master plan roads shall be incorporated in the future land use plan - Alternate Rt. 313: It is intended that a Rt. 313 alternative be developed around the Borough of Dublin. This alternative will serve to maintain the historic character and trees within Dublin Borough, while providing an unobstructed route along this important regional arterial. Alternate Rt. 113: It is intended that a Rt. 113 alternative be developed around the village of Blooming Glen and Silverdale Borough." Mr. Theis is concerned about the confusion involved with the corrected copy of the proposed Comprehensive Plan and did not feel changing the word "bypass" to "alternative" and "around" was a satisfactory resolution to this problem.

Supervisor Bennington stated, personally, he would like to remove the entire section on page 55 concerning the words "alternative" or "around", and replace it with text written and presented by Mr. John Bender. Supervisor Bennington read this text, which states "Where sufficient funds are available, Hilltown Township itself, or in conjunction with other government agencies, will consider in-depth transportation studies that have as an objective, the identification and evaluation of potential traffic flow problems within the Township. An adequately funded and comprehensive study would help the Township prioritize and develop an orderly plan for improvements that may be necessary to the existing Township road system."

Mr. Theis also referred to page 29 involving circulation constraints for Rt. 113 and Rt. 313, where it is spelled out again as "potential problem areas" and where it cites preserving Dublin Borough's trees. Mr. Theis felt any regards to these issues within the entire proposed Comprehensive Plan should be withdrawn. Again, Supervisor Bennington cited Mr. Bender's written text and felt this should be inserted in place of the text corrected by the Planning Commission. This text by Mr. Bender states "The Hilltown Township road system is beginning to experience the growth pressures of the surrounding communities as well as from within. Improvements to the Township's existing road system will be evaluated and prioritized. Every effort will be made to work with the surrounding communities to cooperatively address transportation matters in this area of the County."

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Solicitor Grabowski stated, essentially, the Board is looking at three choices for language on pages 29 and 55, which includes the original language, the language corrected in the text as the Planning Commission's recommendation, and that text submitted by Mr. Bender. Mr. Theis felt Mr. Bender's suggestions were the appropriate wording that should be used in the Comprehensive Plan.

5. Mr. Jay Poggi - Mr. Poggi, a member of the Hilltown Township Planning Commission, commented it does not take a study to know where the traffic problems are located in Hilltown Township. Mr. Poggi advised the corrected copy the Board is reviewing this evening, is not exactly what the Planning Commission had recommended for the text. Almost half of both of those paragraphs cited on pages 29 and 55 were removed, and the bypass lines had been removed from the maps. Mr. Poggi stated Solicitor Grabowski's definition of a Comprehensive Plan as being a "goal" of the Township is just that. A line on that map anywhere, does not mean a road will be constructed where that line is drawn. The law says a Transportation Plan is required, and it is the municipalities responsibility to identify high traffic areas, and suggest solutions to these problems. Mr. Poggi explained that his job as a Planner, is to review those traffic problem areas and to suggest solutions.

6. Mr. Jack Fox - Mr. Fox stated no matter what the Township does, it will end up affecting someone and the Township wishes to affect the least amount of residents as possible. The Township must look to the future. Mr. Fox felt since a professional planner was hired to assist in revising the Comprehensive Plan at great expense to the Township, the planner's recommendations for text should be used.

7. Mr. George Bedford - Mr. Bedford was concerned that each time Dublin Borough experiences problems, Hilltown Township "gets the short end of the stick". Mr. Bedford felt Dublin Borough should look for solutions to their own traffic problems.

8. Mrs. Wagner - Mrs. Wagner agreed with Mr. Bender that property values are affected by proposed bypasses. Mrs. Wagner's own property is located between the proposed Light Industrial district and the Country Residential II district. Mrs. Wagner spoke with someone from the Bucks County Planning Commission who advised her to view their recommendations regarding the Hilltown Township proposed Comprehensive Plan. Mrs. Wagner stated the planning that had been done in her area was not entirely approved by the Bucks County Planning Commission, and she herself was not happy with it. Mrs. Wagner would like the Board to consider moving her property to the Country Residential II district, as she feels having such a large area of zoning located between the Light Industrial and Country Residential II areas is "spot zoning" in reverse.

9. Mr. Ron Theis - Mr. Theis stated the Light Industrial area proposed at Rt. 113 and Rt. 313 should be changed back to Rural Residential because he feels the Township is opening themselves up for more traffic problems.

10. Mr. Jack Fox - Mr. Fox cited the recent accident which occurred at Rt. 113 and Diamond Street, and advised if alternate routes for heavy traffic are not found, more accidents will occur. Mr. Theis thought Mr. Fox's comment was totally out of line and stated the accident had nothing to do with the proposed bypasses, and had everything to do with the lack of a traffic light at that intersection.

11. Mrs. Swartz - 1019 Middle Road - Mrs. Swartz commented traffic jams occur just as frequently in the Fountainville area as they do in Dublin Borough. Mrs. Swartz was not pleased when the bypasses were originally proposed through Hilltown Township, because it would have affected her home and her property. Mrs. Swartz felt no matter where a bypass or alternate route is proposed, traffic problems will still remain.

At 9:05PM, Chairman Bennett advised the Board would take a short recess to review and discuss the proposed Comprehensive Plan.

The meeting reconvened at 9:25PM. After due consideration and mature deliberation, Chairman Bennett recommended to his fellow Supervisors, the following:

a. The Comprehensive Plan retains the three acre zoning requirement as currently spelled out.

b. The comments, with regard to the proposed Light Industrial area on Rt. 313 and Rt. 113, the Board feels can be resolved when the Zoning Ordinance Plan is discussed within the next few months.

c. Since the text written by the Planning Commission using the words "alternative" and "around" are not much different than using the word "bypass" which was eliminated, Chairman Bennett is recommending that the Board adopt Mr. John Bender's written text in it's place, as follows:

Page 29 - Circulation Constraints - "The Hilltown Township road system is beginning to experience the growth pressures of the surrounding communities, as well as from within. Improvements to the Township's existing road system will be evaluated and prioritized. Every effort will be made to work with the surrounding communities to cooperatively address transporation matters in this area of Bucks County."

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Page 55 - "Where sufficient funds are available, Hilltown Township itself, or in conjunction with other government agencies, will consider in-depth transportation studies that have as an objective, the identification and evaluation of potential traffic flow problems within the Township. An adequately funded and comprehensive study would help the Township prioritize and develop an orderly plan for improvements that may be necessary to the existing Township road system."

Supervisor Bennington commented the Hilltown Township Planning Commission is a recommending authority only, and that the Board of Supervisors makes the final decision. Supervisor Bennington was a member of the Planning Commission during the initial review of the Comprehensive Plan. The Planning Commission has worked very hard for over five years on this Plan and the Board of Supervisors have supported their recommendations 95% of the time.

In this case, Supervisor Bennington stated, he is now and always has been, opposed to the two proposed bypasses. Those two proposed bypasses have been removed from the plan, as well as the language recommended by the Planning Commission. Supervisor Bennington concurs with the language as specified by Mr. Bender, and apologized to the residents of Hilltown Township for not writing the language himself or having it written by a member of the Board of Supervisors or a member of the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to adopt the proposed Comprehensive Plan as specified above.

Chairman Bennett commented that he has a farm with approximately 100 acres, and under the former Comprehensive Plan, he could develop that land into 50,000 sq. ft. lots, however, under the Comprehensive Plan which was just adopted, he will be penalized and would have to develop the land on three acre lots.

Supervisor Bennington suggested PennDot be the recommending body to direct the Township where to place the possible bypasses in the future. Chairman Bennett commented there is no doubt in his mind that PennDot will be the ultimate dictator of what will happen to Hilltown Township's roads in the future.

The advertised hearing for adoption of the proposed Comprehensive Plan adjourned at 9:30PM. The regularly scheduled meeting of the Hilltown Township Board of Supervisors reconvened at 9:30PM.

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

I. CONFIRMED APPOINTMENTS:

1. Ms. Carol Lauchmen - Requesting waiver of land development for Mr. Bachman - Ms. Lauchmen is before the Board to get their opinion on a request for a waiver of formal land development. Mr. Bachman owns approximately 5 acres located at 4220 Old Bethlehem Pike, which he purchased in 1982. The property is zoned Light Industrial. Mr. Bachman constructed the building that he uses on the property in 1984. The applicant had applied for a building permit to add a 60' X 60' addition to his building and Mr. Applegate refused that permit, stating Mr. Bachman must go through the land development procedure. Ms. Lauchmen stated the Hilltown Township Land Development and Subdivision Ordinance provides for a minor subdivision or for a waiver of the formal requirements, but does not address minor land developments. Ms. Lauchmen presented plans for the Board's review.

Mr. Bachman's building is the large structure, 60' X 150', to the rear of the property and is needed to house much of the applicant's equipment for his paving and excavating business. The proposed addition would be a pole barn type structure, similar to the construction of the existing building. The lot is presently serviced with public water and sewer, and the proposed addition would not present added traffic, employees or additional services. A gravel and stone floor is proposed, with electricity running into the building. The usage of the lot at present meets the parking requirements of the Zoning Ordinance.

Mr. Wynn asked if the applicant is the sole user of the property. Ms. Lauchmen replied Mr. Bachman is the principal user of the site. When Mr. Bachman purchased the property, the existing buildings includes a house which fronts on Old Bethlehem Pike, and is being utilized as a single office use by a transport company, and another building is being utilized by a metal shop producing ornamental iron work. Those uses were in place when Mr. Bachman purchased the property. The adjacent surrounding uses include an industrial park, and vacant lot which is for sale, and is zoned Light Industrial, and to the rear of the property is the bypass.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to table this request pending further review with Mr. Eric Applegate, Building Inspector/Zoning Officer.

2. Mr. Mark Stephan - Requesting Use and Occupancy Waiver - Mr. Stephan is not able to move into Hilltown Township at this time because of the required valid Use and Occupancy permit. Mr. Stephan's home, located at 12 Florence Circle, is currently 99% completed. Upon final inspection, three items were noted by the Hilltown Township Building Inspector, including the upstairs windows, the requirement of which Mr. Stephan is requesting a waiver. According to the Building Inspector, these windows do not comply to a certain B.O.C.A. Code, R-210.2, which is subheaded "Emergency Egress Openings". In that Code, it

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suggests a net clear area of 5.7 ft. and further defines the dimensions of the window to be 24" high by 20" wide. The windows currently in the home are 24" by 36" nominally, and is a standard double sash Andersen window. Mr. Stephan did the calculations at 24" X 36", and found it to exceed 5.7 square feet. If measured from sash to sill, the result would be dimensions of 22" X 35". The Building Inspector was concerned about a 22" height. Mr. Stephan advised there are ten windows in the upper story of the house, eight of which have access to a lower porch roof because of the design of the home, which consists of a wrap-around porch and a back porch. As far as egress goes, Mr. Stephan felt that if someone was shorter and wider, they would certainly be able to exit those windows to reach safety on a roof, which is then a 10 ft. drop to the ground. The windows were in place and seated in the framing inspection, which passed, and were in place and seated in an insulation inspection, which was also passed. The third opportunity the Building Inspector had to review the windows was a final plumbing inspection and still, nothing was noted about the windows at that time. Chairman Bennett asked if the first two inspections were made by the current Building Inspector. Mr. Stephan replied that they were, as construction began in early August of this year, and has proceeded under the same builder and the same Building Inspector throughout.

The next area of concern was a Code suggesting safety in stair railings. Mr. Stephan advised his house is a foyer entry home with a type of decorative rail along the first five steps, which meets a half wall, and then a railing from that point to the top of the stairs. It is not a continuous railing, it is a broken railing. The Code suggests 36" continuous height and one long railing. Mr. Stephan felt this would ruin the decorative effect of the foyer and suggested a compromise of a 36" high continuous railing on the continuous wall.

Lastly, there were comments that suggested mulching and seeding of lawn. Mr. Stephan advised nothing will grow this late in the year, and an agreement has been made with the builder to mulch and seed the lawn when growing season starts in 1992.

Mr. Stephan felt the biggest issue and concern were the windows, as the house is almost completely finished with wallboarding, paint, and siding. If the windows would have to be removed, it would leave Mr. Stephan and his family with a "second class" or a "used" home, which he has worked very hard for. Mr. Stephan is asking the Supervisors to recommend a waiver of these three items so that a formal Use and Occupancy permit can be issued. Mr. Stephan would be willing to sign a document absolving the Township of any further legal responsibilities concerning the windows, if the Supervisors would be accomodating.

Chairman Bennett asked if all ten of the second floor windows are short. Mr. Stephan replied one window per sleeping area must meet the B.O.C.A. Code requirements, and this would consist of a minimum of four windows of the original ten in the upper story of the home. In speaking with the builder, Mr. Stephan was informed removing and replacing these windows would result in removing siding, wallboard, and cutting into the header. Supervisor Bennington asked if the total size of the window, even though it is squat, as opposed to long and narrow, still is the total square footage that is required for a proper egress window. Mr. Stephan replied yes, according to his calculations of measuring from sash to sill. Another issue Mr. Stephan raised is that there is a house in the same cul-de-sac, built by the same builder, with the exact same Andersen windows upstairs, which has been issued a viable Use and Occupancy permit. Mr. Stephan felt this may have been issued under a different administration and different Building Inspector.

Mr. Stephan would like to take occupancy on his new home as soon as possible, since the end of November is fast approaching and it will require another month's rent, another month of furniture storage, and his loan lock is only guaranteed for 60 days. Mr. Stephan appealed to the Board of Supervisors to grant his waiver.

Supervisor Bennington stated the addendum to the building permit, which is dated July 19, 1991, clearly explained that "all bedroom windows must meet all egress requirements as depicted." Mr. Stephan replied his builder had obtained the building permit. Supervisor Bennington felt the builder knew full well that the addendum requirements must be met and felt it should be the builder's responsibility.

Chairman Bennett commented one of the problems with this sort of thing is that it creates an exception and therefore, many people expect the same courtesy in the future. A similar issue was before the Board 60 days ago, and the Board denied the waiver request at that time.

Solicitor Grabowski explained since the Supervisors are not experts in building and construction, the adoption of the B.O.C.A. Code and the hiring of a qualified Building Inspector/Zoning Officer to enforce that Code, appears to be the answer. Solicitor Grabowski suggested the Board might like to discuss and research this issue further with the Building Inspector, Mr. Eric Applegate.

Supervisor Bennington stated if the Board grants Mr. Stephan a waiver this evening, it would be setting a precedent for future waiver requests. Mr. Stephan asked Supervisor Bennington to put himself in his position, after hiring a builder who has constructed homes within this Township for 20+ years, and who has previously abided by the B.O.C.A. Codes, is now faced with



a new Building Inspector who is still learning what he is going to enforce. The original plans were submitted with the dimensions of the windows, and there were three or four opportunities for the Building Inspector to note the size of the windows, which he did not do until final inspection. Mr. Stephan is not suggesting the Board set a precedent by granting his waiver, he would just like to occupy his home, and would be willing to sign a waiver releasing the Township from any responsibility.

Supervisor Bennington asked if it would be possible to approach the builder of the home to require him to rectify the situation. Solicitor Grabowski advised the premise upon which the building codes are enacted and enforced, is that the final inspection results in either the approval or denial of a Use and Occupancy permit, which still leaves the homeowner and the Supervisors in the middle.

Supervisor Bennington asked Mr. John Snyder, president of the Hilltown Volunteer Fire Company, for his opinion of window egress for fire personnel under emergency circumstances. Mr. Snyder replied fire personnel would be hampered due to excess equipment such as an airpack on his back, hoses, and a bulky coat. Mr. Snyder reminded the Board that the B.O.C.A. requirement of 24 inches for window egress is a minimum, and that B.O.C.A. would prefer a larger area than 24 inches.

Mr. Snyder suggested the applicant check to see if the window stops can be removed to allow an extra 2 inches for egress. Supervisor Bennington suggested Mr. Applegate visit the site to see if this alternative would be possible. Mr. Ron Theis, another resident of Florence Circle, asked if Mr. Applegate could visit the site tomorrow, and if the alternative of removing window stops to gain the extra 2 inches would be feasible, could Mr. Stephan's waiver be granted contingent upon these options being completed. Solicitor Grabowski stated the Building Inspector has the authority to do that.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to recommend a conditional waiver of the window egress requirements for Mr. Stephan's request, conditional upon the fact that the applicant can prove that he can gain the extra 2 inches by removing window stops, to meet the minimum B.O.C.A. requirement of 24 inches for window egress. If the extra 2 inches cannot be gained by removing the stops, the windows would have to be replaced.

3. Mr. Dave Sattelle - Rt. 113/Diamond Street Intersection  
- Mr. Sattelle is before the Board to discuss the recent traffic accident at the Rt. 113 and Diamond Street intersection. Three years ago, the Board of Supervisors approved installation of a traffic light at this intersection, and PennDot completed a survey on that intersection and allowed two years for the municipality to install the traffic light. Two builders presented funds to the Township for the installation of this traffic light, yet it has not been installed. Mr. Sattelle asked when the traffic light would be installed at Rt. 113 and Diamond Street.

Chairman Bennett replied he has voted against this issue once in the past, and he would vote against it again, as he did not feel a traffic light is the answer to the problem. Chairman Bennett commented the PennDot permit for installation of this light expired in November, 1990. Mr. Sattelle asked why the issue of traffic light installation was ever approved in the past, if the Board had no intention of installing the light. Chairman Bennett advised, at the time, the funds were not available for installation of a traffic light. At one time, Hilltown Township had applied for a Community Development grant, however it was not approved because it did not qualify as a low income area. At the same time, the traffic light at Rt. 152 and Rt. 113 in Silverdale cost approximately \$38,000.00, and Community Development did approve \$35,000.00 for that because they felt it was a low income area. The money originally designated for the Rt. 113/Diamond Street traffic light, in the amount of approximately \$60,000.00, was spent on the Line Lexington sewer system. To Chairman Bennett's knowledge, any impact fees that were paid from builders, were never specified for a particular project.

Mr. Sattelle cited the November 14, 1988 Board of Supervisor's meeting, which stated "Mr. Bennett stated that he would like to see two motions - one for the remaining estimate for the amendment of the Hilltown Historical Society motion (which was seconded by Mrs. Kelly), and one for the traffic light (which was also seconded)". Chairman Bennett does not recall ever being in favor of a traffic light at Rt. 113 and Diamond Street.

Mr. Sattelle asked if any of the money received from the developer of Sterling Knoll, Phase II, was applied towards the eventual installation of this traffic light. Chairman Bennett replied not to his knowledge, and any arrangements that were made with builders were made prior to his term of office. Chairman Bennett advised the Township still receives impact fees when a building permit is secured, however it is deposited into the General Fund account.

It is Chairman Bennett's feeling that a traffic light at that location will not solve the problem, as well as the lack of money. Mr. Sattelle wondered how the Board can justify spending over \$130,000.00 for a park and baseball field, when there are more pertinent issues to address. Chairman Bennett replied in Hilltown Township, with a population of approximately 14,000, there are no park and recreation facilities. Mr. Sattelle asked why some of the money designated for park and recreation facilities could not be combined with impact fees from developers to install the traffic light at Rt. 113 and Diamond Street. Chairman Bennett does not know how the other Supervisors feel on this issue, but personally, he would vote against it again.

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Approximately four weeks ago, the Board of Supervisors, Township Manager, and Director of Public Works visited the Rt. 113/Diamond Street intersection. At that time, discussion took place regarding how the intersection could be "beefed up" with such suggestions as larger stop signs, flashing lights, rumble strips, etc. PennDot approval would be required for any alternative, since both Rt. 113 and Diamond Street are maintained by the State.

Mr. Sattelle asked if the developers have a right, after two years, to request a refund of impact fees for the monies donated that were allocated for specified projects which were not completed. Chairman Bennett felt that was true, under the new act, Act 209.

Solicitor Grabowski explained there are development agreements written for both Sterling Knoll, and also for the Deerfield Subdivision, which have language contained in them whereby the developer contributes \$550.00 per lot as a capital contribution to the Township to be used for general purposes. There is no discussion as to specific use of those funds. Solicitor Grabowski prepared the agreements based upon the approval letters that are issued by the Board of Supervisors, based upon the action taken at a public meeting. Solicitor Grabowski recalls that the former Township Manager, Mr. Singley, met with the developers to discuss the possibility of capital contributions. Mr. Wynn commented that he was involved in those meetings with Mr. Singley, Mr. Hassan and Mr. Garis, following direction of the Board of Supervisors. At that time, there was discussion of the need for a traffic light at Rt. 152 and Rt. 113, due to the three developments being constructed in Hilltown and Silverdale, including Deerfield, Sterling Knoll I, and Sterling Knoll II. Mr. Wynn stated there were meetings held between Silverdale Borough Planning Commission and Hilltown Township Planning Commission, because there were a number of issues such as road width not matching between the municipalities, and required improvements were somewhat different. Silverdale Borough was very concerned about the impact all these homes would have on the intersection of Rt. 113 and Rt. 152. Mr. Wynn believes Silverdale Borough received a contribution from Mr. Garis of \$350.00 per lot, as was discussed at the time.

Mr. Garis and Mr. Hassan were before the Hilltown Township Board of Supervisors at the preliminary plan stage of their developments, as there were also concerns about open space. The Township was being asked to take 20 acres of open space, with no improvements proposed. As a result of the meeting between Mr. Singley, Mr. Wynn, and the developers, Mr. Garis and Mr. Hassan provided a letter to the Township offering \$550.00 per lot for contributions for use on adjoining roadways to minimize the impact of the developments and to cover future costs to the Township for care of open space. Both developers agreed to this request and both submitted a letter to the Township, and it was accepted as part of a preliminary plan requirements.

Mr. Wynn advised these monies were not designated for any specific improvement, though there was discussion by Mr. Garis as to what would happen if Silverdale Borough received funding from another source for the traffic light. Mr. Garis asked if that money would be refunded to him if the funding for the Rt. 152 and Rt. 113 traffic light is approved. At that time, the Township replied the money would not be refunded since there were other improvements the Township needs, such as funding for a traffic light at Rt. 113 and Diamond Street. The final acceptance by all parties was that a contribution for impact on roadways and open space would be given by the developers, but not designated to any particular individual item. One thing that concerned Mr. Wynn was that Mr. Sattelle had mentioned earlier a fee of \$500.00 per lot, since the original agreement was clearly designated at \$550.00 per lot.

Supervisor Bennington commented he was not a member of the Board of Supervisors at the time of this vote, and he does not know what happened to the monies. It is Supervisor Bennington's opinion that the intersection of Rt. 113 and Diamond Street is wide open. He feels that most people involved in accidents at this location are coming from Sellersville, not paying any attention to the stop sign at Diamond Street and hitting cars traveling on Rt. 113, or someone coming from Diamond Street, and misjudging the speed of traffic traveling on Rt. 113. Supervisor Bennington feels large stop signs and large pre-stop signs should be erected at this intersection, as well as flashing lights mounted to the pre-stop sign to alert motorists of the intersection. Chairman Bennett stated that accident report statistics show that 60% or 70% of the accidents at this intersection are motorists traveling south.

Supervisor Bennington asked Chief Egly's opinion. Chief Egly did not feel comfortable commenting on the situation, as there is possible legal action pending against the Township regarding some of these accidents, however he did feel something must be done to correct the problem.

Mrs. Wagner, who lives at the intersection of Old Bethlehem Pike and Rt. 113, commented PennDot has installed a temporary yellow blinking light at that intersection to alert people of a detour. Mrs. Wagner was amazed at the difference the small blinking light has made at that intersection, and suggested the installation of a similar blinking light at the Rt. 113 and Diamond Street intersection, might be of some help.

Mr. Wynn estimated a cost of roughly \$10,000.00 to erect flashing lights on the oversized pre-stop signs on both sides of the intersection of Rt. 113 and Diamond Street.

A Township resident stated that she drove a school bus through that intersection in the past, and feels the openness of the intersection creates an "optical illusion" of sorts. Most drivers feel they have more time to pull out from Diamond Street than they actually do.

Mr. Wynn explained when a warrant study was completed by PennDot for the proposed traffic light at this intersection approximately three years ago, the final criteria which had to be met was verification by the state police that traffic speeds were in excess of 40 miles per hour on Rt. 113. If the speeds would not have been in excess of 40 miles per hour, the intersection would not have met the warrants for a traffic signal. Supervisor Bennington suggested Mr. Horrocks schedule a meeting with PennDot to discuss the situation and to follow up on their suggestions to make the intersection safer.

4. Ms. Deborah Strothers - Act 537 Revision Request for Ms. Diane Whitney - Ms. Strothers cancelled her confirmed appointment for this evening and will be appearing at the December 9, 1991 Board of Supervisors Work Session to state Ms. Whitney's case.

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

1. Review of the 1992 Budget - Mr. Horrocks stated since the November 11, 1991 Board of Supervisors Worksession, the Township has had a 1992 shortfall of over \$170,000.00, with revenues at 1.8 million dollars, and expenditures at just over 2 million dollars. Through much work with the police department over the past two weeks, revenues have increased by \$17,600.00, when in fact it was thought there were no increases in revenues left to find anywhere. The expenditures, at the same time, came down to 1.96 million dollars, and currently the shortfall for 1992 is \$64,667.00. Mr. Horrocks advised this is the best 1992 budget he can offer to the Board for their review and for public inspection. The Board of Supervisors will have a choice of either a 2 mill tax increase, which would generate \$70,000.00 to cover that difference, or the only other option available to reduce expenditures would be a personnel lay-off.

Mr. Ron Theis asked for the projected Park and Recreation budget for 1992. Supervisor Bennington replied the Park and Recreation budget for 1992 would be zero. Chairman Bennett explained the Township allocated \$96,000.00 out of the bond fund for Park and Recreation, however that money was not spent and will be carried over to 1992. Any Park and Recreation monies will be drawn from the bond fund, rather than that of the Township's operating fund. There is approximately \$365,000.00 remaining in the bond fund, which has not been spent. One of the two dump trucks purchased for the Public Works Department earlier this evening will be paid for with monies from the bond fund, and one will be purchased with Liquid Fuels monies. Police cars, on the other hand, would not be paid for from the bond fund, since they have approximately a two year life span and are considered to be within the operating budget. The trucks, however, have quite a longer life span and the Board feels this is a legitimate expense from the bond fund.

In order to balance the budget, Mrs. Jean Bolger asked if monies could be taken out of the bond fund. Chairman Bennett replied that you should not. Solicitor Grabowski explained that the original loan agreement specifically stated that those items are for capital improvement projects, and there is a prohibition against using that for operating funds.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to authorize advertising for adoption of the 1992 budget at the December 23, 1991 Board of Supervisors meeting.

2. Mr. Horrocks advised seven copies of the 1992 proposed budget will be available for public review at the Township Administration office, as of Tuesday, November 25, 1991.

3. Mr. Horrocks presented eleven Escrow Releases for approval this evening:

Bridle Run	Voucher #14	\$ 67,006.08
Browning-Ferris Ind.	Voucher #05	\$ 1,260.42
Cefelli	Voucher #02	\$ 906.55
Cheeks, Inc.	Voucher #05	\$ 9,639.00
Cheeks, Inc.	Voucher #06	\$ 490.29
Pheasant Ridge	Voucher #12	\$ 140.82
Pheasant Ridge	Voucher #13	\$ 4,373.06
St. Philip's Church	Voucher #06	\$ 6,325.87
Skyline Estates	Voucher #07	\$ 120.84
Sterling Knoll II	Voucher #42	\$ 302.80
Stoneycrest	Voucher #02	\$ 1,072.06

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to release the eleven Escrows listed above.

4. A request for application has been received from the Hilltown Township Historical Society for Community Development Block Grant funds to restore the Hartzell-Strassburger Homestead in the amount of \$35,300.00, which includes major roof and brick work.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to submit the Hilltown Township Historical Society's application for Community Development Block Grant Funds.

5. A request has been received from St. Philip's Orthodox Church to waive the fee connected with a directional sign to be erected near Clearview Road/Cherry Lane intersection and Old Bethlehem Pike. Mr. Horrocks will research this request further.

6. An additional application to the Agricultural Security District has been received. Mr. Horrocks advised the time table will be allowed to run, in the hopes that the Planning Commission and the review committee, will review all applications at one time. Discussion took place concerning establishing a review committee for this purpose.

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Mr. Horrocks is meeting with Mr. Richard Harvey on December 11, 1991 to review the Agricultural Security District map for Hilltown Township.

7. A leaf drop off site has been established within a fenced area in the municipal building parking area. Mr. Horrocks will contact the press to have this information advertised.

K. CORRESPONDENCE:

1. Correspondence has been received from Mr. Wally Rosenthal requesting a refund of \$1,225.00 for land development fees which he had paid and then his plan had been denied.

Solicitor Grabowski advised land development fees are non-refundable, as they are fees paid to review documentation. Mr. Wynn explained how this request is different from the request previously received, and granted, to Frederick Flowers, for a refund of a zoning permit. Mr. Wynn stated the refund of a zoning application would be similar to a building permit application, where the fee is established to issue the permit itself. In the case of land development or subdivision, the fee is to cover any Township cost for review of the application. Any fees paid for a land development or subdivision application are not for receipt of the plan, but rather for review of the plan, whether it is denied or approved. The Township does not have a fee for review of a building permit or zoning permit application.

Mr. Wally Rosenthal was in attendance and stated he paid a fee on December 11, 1990 and the application was rejected by the Planning Commission six days later. Mr. Rosenthal feels he is entitled to a refund. It is Mr. Wynn's belief that the Board of Supervisors never had the opportunity to deny or approve the plan, as it never appeared before them.

The Supervisors agreed to table this issue pending further discussion.

L. SOLICITOR'S REPORT - Mr. Francis X. Grabowski - Township Solicitor:

1. Solicitor Grabowski presented subdivision agreements for the Stone Subdivision, which is located on Fairhill School Road. There are two separate escrows that have been established and Mr. Wynn has determined the amount of escrow for each lot. The first direct deposit to the Township, for Lot #1, is in the amount of \$24,897.50. The second direct deposit to the Township, for Lot #2, is in the amount of \$23,632.50. The agreement concerning the direct deposit is that the funds will be placed in an interest bearing account, with the interest accruing to the benefit of that account. Solicitor Grabowski recommends that the Board approve the execution of the two Stone Subdivision Agreements, and to accept the Deed of Dedication for road frontage on Fairhill School Road. The acceptance of road dedication will require two resolutions - one to accept and one to declare public purpose.



Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to adopt Resolution #91-43 for acceptance of road dedication for the Stone Subdivision and Resolution #91-44 to declare public purpose for the Stone Subdivision.

2. Approximately two years ago, Solicitor Grabowski advised, Mr. and Mrs. Reblock made application to the Board of Supervisors for an Act 537 revision to allow for a stream discharge septic system to be installed on their lot, located on Broad Street. The Act 537 revision was approved and submitted to DER, contingent upon the receipt of a Sewage Maintenance Agreement and a Sewage Escrow Agreement, by the Township. That agreement has been prepared and executed, and provides for an escrow of \$5,000.00 to be held by the Township, for maintenance and inspection.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to authorize execution of the Sewage Treatment and System Maintenance Agreement with Mr. and Mrs. Reblock.

3. At the previous worksession, the Board of Supervisors discussed the need to look at a Flow Control Ordinance as suggested by Bucks County, regarding trash disposal. A copy of the suggested Ordinance was distributed to the Supervisors. Solicitor Grabowski is seeking direction from the Board as to whether his office should advertise this Ordinance for adoption at the December 23, 1991 Board of Supervisors meeting.

In addition, the Township Manager and the Township Building Inspector have suggested the possibility of adopting an Ordinance which would require licensing of Contractors working within Hilltown Township. The Ordinance the Board of Supervisors has been given for review has been passed by Warrington Township many years ago.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to recommend advertise the Flow Control Ordinance and the Contractor's License for possible adoption at the December 23, 1991 Board of Supervisor's meeting.

4. In a review of old files, Solicitor Grabowski noted that his office still has the Deeds of Dedication for road frontage (along Rt. 113) for the Deerfield Subdivision, and for road frontage (along Rt. 152) for Sterling Knoll, in escrow. These can be recorded with the Bucks County Recorder of Deeds, as work has obviously been completed.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to adopt Resolution #91-45 and Resolution #91-46 for acceptance of Public Purpose for the Sterling Knoll Subdivision.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to adopt Resolution #91-47 and Resolution #91-48 for acceptance of Public Purpose for the Deerfield Subdivision.



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5. Solicitor Grabowski stated the owners of Trader's Village have withdrawn their appeal from the Pennsylvania Commonwealth Court concerning the zoning matter. Bucks County Court had issued a decision agreeing with Hilltown Township. The owners of Trader's Village filed an appeal with the Commonwealth Court, and when the deadline for filing the written arguments was growing near, they had withdrawn that case. Solicitor Grabowski felt this justified the decision of the Bucks County Court and also justifies and supports the decision of Hilltown Township.

There is still the outstanding item of the Federal lawsuit that was filed against the Township and various members of the Board. Solicitor Grabowski spoke to the attorney of the insurance company representing the Township's interest in that matter today. He had filed a motion before the assigned judge requesting many of the counts be dismissed. The Judge has given Trader's Village twenty days to respond as to why the complaint should not be dismissed completely, and that has occurred.

Another issue the Board may not be aware of is that this case has been assigned to a different Judge. The case had originally been assigned to Judge Wallman, who's municipal experience was limited, and has now been reassigned to Judge Stuart Dalzell. Judge Dalzell, when he was in private practice, did municipal work.

6. Chairman Bennett questioned the Wampole-Miller bill in the amount of \$4,900.00 and asked if it was for the controller located at Rt. 113. Mr. Horrocks replied that price was arrived at by totalling the costs involved on that particular traffic light over the term of one year. When Chairman Bennett had spoken to them, he was quoted a fee of \$3,800.00 and was wondering why it is now \$1,200.00 more.

7. Mr. Samuel Pierce apologized to the Board of Supervisors for not appearing at previous Supervisor's meetings, when he had requested a confirmed appointment on the agenda. Mr. Pierce requested to be placed on the December 23, 1991 Board of Supervisors meeting agenda.

M. PLANNING - Mr. C. Robert Wynn, Township Engineer:

1. Atkinson Subdivision (Minor) - Mr. Wynn advised this is the two lot subdivision located on Callowhill Road and Hilltown Pike. The plan received a recommendation for final plan approval by the Planning Commission at their last meeting, based on four conditions, some of which have already been resolved. The Planning Commission recommended the Atkinson Subdivision be approved subject to approval of Planning Modules by DER, and these were forwarded to DER on November 7, 1991. The applicant has agreed to dedication of Hilltown Pike and Callowhill Road right-of-way to the Township, and a legal description for those has been received. Installation of property monumentation, as shown on the plan and certification of monuments in writing

has been completed. Mr. Wynn advised installation of buffer plantings are required along the frontage of Hilltown Pike, prior to plan recordation. The Planning Commission indicated they would agree to a waiver of buffer plantings on Callowhill Road, as there are no houses proposed, and between there and the dwelling location on both lots. The buffer plantings are not in strict alignment with the Zoning Ordinance, rather they have been staggered by the applicant, as he has desired. All trees have been installed, except for one evergreen tree.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to recommend conditional approval of the Atkinson Subdivision, pending completion of items in Mr. Wynn's engineering review letter.

2. Quiet Acres (Final) - The Board of Supervisors had previously approved the preliminary plan in August of 1991. The Planning Commission recommends final plan approval subject to approval by the Hilltown Township Water and Sewer Authority for the proposed water service. Mr. Eric Tobin indicated the Authority is designing the water plans. The only changes on the plan is the applicant has moved some of the buffer plantings that were required in the rear yard area where trees already existed, and "beefed up" the plantings along the roadway, consisting of the same total number of plantings. The other plan item is providing additional parking for the community service building. Approval of Planning Modules for the new dwellings is required. The Township is in receipt of their components, however not all information was received from the Bucks County Health Department. An escrow for public improvements is also required.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to recommend final approval to the Quiet Acres plan based upon the recommendation of the Planning Commission and pending completion of outstanding items.

3. Carney Land Development (Final) - The Planning Commission recommended final plan approval of the Carney Land Development, subject to approval of PennDot permit, Bucks County Conservation District approval, installation of property monuments along the frontage of the site, and an escrow agreement.

Supervisor Bennington asked if Mr. Carney had ever solved the lighting problem with his neighbor. Mr. Wynn replied Mr. Carney has spoken to the gentleman, however Mr. Wynn did not feel it was to the satisfaction of the neighbor. The neighboring property owner was told at a previous Planning Commission meeting that if he believed a zoning violation involved with the lighting of Leisure Links exists, that he should notify the Zoning Officer and file a zoning complaint with the Township.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to recommend final plan approval of the Carney Land Development based upon the stipulations as specified.

4. Pileggi Land Development (Final) - The plan has been revised by All County Incorporated. The only outstanding items of preliminary plan approval, with the majority recommendation for approval by the Planning Commission, includes the execution of deed restriction to limit the use of the rear building divided by the zoning district boundary line, pavement of Rt. 313, widening to be done prior to plan approval, and provided by the Ordinance.

Supervisor Bennington asked why a member of the Planning Commission abstained from the vote. Mr. Wynn replied Mr. Brennan had abstained from the vote, feeling the building divided by the zoning district boundary line should be removed. The preliminary plan approval was that either the building would be removed or a deed restriction limiting it's use would be required. The majority of the Planning Commission chose the latter. Chairman Bennett asked what is the restriction to limit the use of the building. Mr. Wynn stated the concern of the Planning Commission is that the applicant could turn this building into another Commercial use. It is an older out-building which has been used most recently as a shed.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to adopt the Pileggi Land Development final plan, with the stipulations as stated.

5. Easy Living Pools - Mr. Wynn advised the final plan was denied for non-compliance with preliminary plan approval requirements, unless an extension was granted. Mr. Wynn understood an extension is forthcoming, however it has not yet been received.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to recommend denial of the Easy Living Pools plan unless an extension is received within the specified time frame.

N. ENGINEERING:

1. Reliance Road Bridge Erosion - With the Board's authorization, Mr. Wynn presented documentation to be submitted to the Bucks County Conservation District for a GP-3 permit for bank restoration and rehabilitation, of the Reliance Road Bridge, with the cost of materials being approximately \$5,000.00. Upon securing the permit, BFI had indicated they would contribute towards this fee. Mrs. Johnson's authorization will also eventually be needed to proceed, since it is located on private property.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to authorize submittal of the permit for the gabion wall installation on the Reliance Road site plan.

105-1  
2. Broderick Subdivision - This is the site of the subdivision located on Blooming Glen Road where Mr. Kemmerer made several attempts to repair the curb, but only made it worse. Approximately two months ago, Mr. Wynn approached the Board with the idea of having Traut Brothers of Telford repair the curb. To date, Traut Brothers has done \$1,011.00 of work and Mr. Wynn would like the Board to view the curbs since this work has been completed. Approximately \$5,000.00 is still being held in escrow for this subdivision.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to authorize payment in the amount of \$1,011.00 to Traut Brothers for repairing the curb within the Broderick Subdivision, and also to submit a release to the bank.

3. Pheasant Ridge Subdivision - This is the Toth subdivision located on Fairhill and Rickert Roads. Mr. Toth requested that the escrow be reduced and they be allowed to commence the eighteen month maintenance period with the two following items still not complete - no certification has been received that all pins have been installed, and also the driveway completion.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to authorize the beginning of the eighteen month maintenance period for the Pheasant Ridge Subdivision and retaining funds for the above mentioned items.

4. Rice Subdivision - Request has been received from Mrs. Hangey, who has a cash escrow for the Rice Subdivision, and will be moving into the house on the property on Hayhouse Road, right on the corner of Blooming Glen Road and Old Bethlehem Road. The cash escrow is for the installation of driveway paving and trench grate. During the construction process, Mr. Buzby, Director of Public Works, was involved and suggested when issuing a permit, the grate be changed to a pipe. Trees have been installed and a request has been received to release the funds down to the 10% maintenance, however there is one tree missing. Six trees have been installed across the frontage, and the applicant is asking not to have to install the last tree, to preserve the vegetation of the larger trees on the corner of the property.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to reduce the escrow for the Rice Subdivision by 10% and not require the remaining tree to be installed.

5. Hilltown Village Subdivision - The Township is waiting for the certification of the installation of pins and monuments at the Hilltown Village Subdivision. A certification was received, however there was apparently a disagreement between the developer and the firm who installed the pins. Another surveyor has re-checked and certified the pins and monuments are all there. Altair Engineering Company has certified the monuments. Installation of the 161 hedges along the rear of the property, has taken place. The applicant would like to

10-29

commence the eighteen month maintenance period and also recognize there is repair work to be completed along the frontage where there continues to be some erosion.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to reduce the maintenance to 10% plus administration costs and to commence the eighteen month maintenance period.

O. LINENS FOR SIGNATURE:

1. K & B Trucking
2. St. Philip's Church
3. Moody-Bowan Subdivision
4. Crawford Subdivision

P. RESIDENT'S COMMENTS: None.

Q. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington mentioned the Burning Ordinance which had been discussed previously and asked the status of such an Ordinance. Discussion took place regarding advertising for a Burning Ordinance. Until the adoption of a Burning Ordinance, Mr. Jack Fox suggested the Board pass a Resolution so that residents may burn their leaves for the remainder of 1991. Mr. Wynn felt if the Board is considering amending or deleting sections of the B.O.C.A. Code with respect to burning and the purpose would be to allow residents to burn leaves, the Board should be careful how a "Burning Ordinance" is written and worded, since it will probably not be consistent with State regulations. State regulations do not allow burning in Bucks County, although it is not enforced. Mr. Applegate had previously suggested that the Board write him a letter stating the Township would not actively pursue leaf burning within Hilltown Township. Solicitor Grabowski stated the short term solution would be for the Board to submit a letter to Mr. Applegate stating the Board does not believe B.O.C.A. has jurisdiction over leaf burning within Hilltown Township, and the long term solution would be to pursue an "Open Burning Ordinance" in the future. The Board was in agreement with this suggestion.

2. Supervisor Bennington has received correspondence from H & K concerning construction of a temporary portable re-crushing plant and wondered what that meant. Supervisor Bennington directed Mr. Horrocks to phone H & K Quarry and request more information on this matter.

3. Supervisor Bennington has received several letters and several calls from residents regarding speeders on Middle Road, between Broad Street and Stump Road, since the recent paving of that roadway. Chief Egly will direct an officer to visit that section of Middle Road with vascar to see if a speed study is warranted. Correspondence concerning speed has been received from residents of Rickert Road as well. Supervisor Bennington suggested the Police Department complete a speed check on both Rickert Road and Middle Road.

4. Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to appoint Mr. Les Lombardi to the Hilltown Township Park and Recreation Board to replace Mr. Brooke Moyer, who recently resigned.

R. PRESS CONFERENCE: No members of the press were in attendance at this time.

S. ADJOURNMENT: There being no further business, a motion for adjournment was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to adjourn the November 25, 1991 Board of Supervisors meeting at 12:00 midnight.

Respectfully submitted,

*Lynda Seimes*

Lynda Seimes  
Township Secretary

KE1A

# C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering  
711 West Broad Street  
Lakertown, PA 18951

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

Memo To: Hilltown Township  
From: C. Robert Wynn  
Subject: Escrow Release Summary  
Date: November 25, 1991

1. Bridle Run - Voucher No. 14 dated November 25, 1991 in the amount of \$67,006.08 to reduce escrow to incompletd items and retainage.
2. Browning-Ferris Industries - Voucher No. 5 dated November 19, 1991 in the amount of \$1,260.42 for const. obs./esc. admin. for period from 10/1/91 thru 10/31/91.
3. Cefelli - Voucher No. 2 dated November 19, 1991 in the amount of \$906.55 for const. obs./esc. admin. for period from 10/1/91 thru 10/31/91.
4. Cheeks, Inc. - Voucher No. 5 dated November 6, 1991 in the amount of \$9,639.00 for removal of sewage facilities; curb, strip topsoil, E&S control.
5. Cheeks, Inc. - Voucher No. 6 dated November 18, 1991 in the amount of \$490.29 for const. obs./esc. admin. for period from 10/1/91 thru 10/31/91.
6. Pheasant Ridge - Voucher No. 12 dated November 21, 1991 in the amount of \$140.82 for const. obs./esc. admin. for period from 6/14/91 thru 11/21/91.
7. Pheasant Ridge - Voucher No. 13 dated November 21, 1991 in the amount of \$4,373.06, reducing escrow to retainage plus funds for installation of property pins.
8. St. Philip's Church - Voucher No. 6 dated November 22, 1991 in the amount of \$6,325.87 for monuments and buffer plantings, less retainage.
9. Skyline Estates - Voucher No. 7 dated November 22, 1991 in the amount of \$120.84 for const. obs./esc. admin. for period from 7/1/91 thru 10/31/91.
10. Sterling Knoll II - Voucher No. 42 dated November 18, 1991 in the amount of \$302.80 for const. obs./esc. admin. for period from 9/1/91 thru 10/31/91.
11. Stoneycrest - Voucher No. 2 dated November 18, 1991 in the amount of \$1,072.06 for const. obs./esc. admin. for period from 10/1/91 thru 10/31/91.

KDIP  
10610

November 25, 1991

TO: Hilltown Township Board of Supervisors  
RE: SUGGESTED WORDING FOR HILLTOWN TOWNSHIP COMPREHENSIVE PLAN  
FROM: John S. Bender *JSB*

**Circulation Constraints (Page 29)**

The Hilltown Township road system is beginning to experience the growth pressures of the surrounding communities as well as from within. Improvements to the Township's existing road system will be evaluated and prioritized. Every effort will be made to work with the surrounding communities to cooperatively address transportation matters in this area of the County.

**Street Improvements (Page 55)**

Where sufficient funds are available, Hilltown Township itself, or in conjunction with other government agencies will consider in-depth transportation studies that have as an objective the identification and evaluation of potential traffic flow problems within the Township. An adequately funded and comprehensive study would help the Township prioritize and develop an orderly plan for improvements that may be necessary to the existing Township road system.