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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, September 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 Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Maria Gerhart, Recording Secretary

A. APPROVAL OF MINUTES:

Action on the minutes of August 26, 1991 Board of Supervisors meeting:

Chairman Bennett mentioned that on page 24, the name of the gentleman from DER was incorrect. The correct name is Mr. Fred Walters.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the August 26, 1991 Board of Supervisors meeting as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented the bills for payment as of September 18, 1991, which total \$24,715.57.

Supervisor Bennington questioned the breakdown of the bill for Grabowski, Eberle, Rice and Scafidi, and asked if the bills for the Bergen Subdivision, Kepich Land Development, Sterling Knoll, and Leisure Links were for something the Township did or if they were in reference to what was done for those specific subdivisions. Solicitor Grabowski would look into the matter.

Supervisor Bennington commented at the September 9, 1991 Work Session, the Board discussed the Auditor bills submitted for 1991. The Auditor's had requested more than the maximum amount set for 1990, which was \$600.00. Since a vote could not take place at the Work Session, investigation of the Second Class Township Code was advised to see if this was permissible for Township's with over 10,000 residents. Supervisor Bennington asked if the Auditor's had submitted an individual accounting for those bills presented. Chairman Bennett replied he has not seen an individual accounting from the Board of Auditors for the originally submitted bills.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to increase the maximum allowable pay for an elected Auditor in Hilltown Township to \$1,200.00 per year, but to hold the original bills until documentation is submitted by the Board of Auditors to prove the \$1,200.00 was actually expended in hours performed in service.

Chairman Bennett advised the Board of Auditors work at a rate of \$6.00 per hour per Auditor.

The bills presented for payment at the September 9, 1991 Work Session, totals \$26,833.57.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the bills presented for payment dated September 4, 1991.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the bills presented for payment September 23, 1991, with the exceptions as noted above for the Solicitor.

C. TREASURER'S REPORT:

Chairman Bennett presented the Treasurer's Report as of September 20, 1991:

General Fund Checking Account
End of Month Balance - \$184,091.80

Payroll Checking Account
End of Month Balance - \$216.23

Fire Fund Checking Account
End of Month Balance - \$73,798.43

Debt Service Investment/Checking Account
End of Month Balance - \$109,934.84

State Highway Aid Checking Account
End of Month Balance - \$71,732.62

Escrow Fund Checking Account
End of Month Balance - \$93,641.29

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

Chairman Bennett commented he has been concerned about the rate of revenues received during 1991. Fortunately, the Township has experienced a very prosperous September with \$163,000.00 being received. There is an approximately two million dollar General Fund budget, with 43% of that coming from what is known as the Wage Tax or Earned Income Tax.

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The Township is now \$58,000.00 ahead of forecast for the year-to-date in that area. Real Estate Transfer taxes are approximately \$16,000.00 below forecast. Regarding Building permits, Subdivision fees, Electrical and Plumbing permits, Use and Occupancy permits, Mechanical permits and Well permits etc., the Township has collected \$80,000.00 from a budget of \$141,000.00; and therefore we are approximately \$23,000.00 below forecast in that area for year-to-date.

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

E. CONFIRMED APPOINTMENTS:

1. Ms. Tracy Inman - Green Meadows - Juvenile Curfew
- Ms. Inman advised she has lived in Green Meadows for two years, and since she has lived there, she has continuously experience problems with juveniles in the development. There are many teenagers who are out until 1:30AM, are destroying property, and are waking the residents. Several other residents of Green Meadows were in attendance. Ms. Inman understands that Hilltown Township does not have a curfew, however the concerned residents of Green Meadows wondered if there was some way a curfew could be instituted.

Since this is the first time this issue has been presented during his tenure as Supervisor, Chairman Bennett called upon Chief of Police, George Egly, for his advice and comments. Chief Egly felt a curfew would be very difficult to enforce, and did not think a curfew for specific areas of the Township is allowable. Solicitor Grabowski was in agreement with Chief Egly and felt a curfew for the entire Township would be required.

Supervisor Bennington suggested holding the individuals responsible on a disturbing the peace charge. Ms. Inman commented the police are called almost every weekend, however this tactic does not seem to work. Chief Egly stated a disturbing the peace charge is a non-traffic citation and the individuals cannot be brought into the station. Supervisor Bennington asked the classification for "disturbing the peace". Chief Egly replied the definition is loud, obnoxious, disturbing behavior to surrounding residents.

Ms. Inman explained she and her neighbors have recently begun sitting outside on their porches until 1:30AM each Friday and Saturday evening to attempt preventing the disturbances. Last weekend, Ms. Inman's neighbor's home was pelted with eggs while they were sitting on the porch. Ms. Inman felt this incident was clearly vandalism and appealed to the Board for their suggestions and help in this situation. Chairman Bennett asked Ms. Inman for the Green Meadows Homeowner's Association's thoughts are on this matter. Ms. Inman replied the Homeowner's Association states there is nothing they can do, and suggests residents call the Police Department.

Solicitor Grabowski commented establishing a Town Watch patrol within Green Meadows might be of some help. Supervisor Bennington suggested that the Police Department patrol Green Meadows on Friday and Saturday evening during the hours of 11:00PM and 1:30PM this coming weekend.

Chairman Bennett advised Solicitor Grabowski and Chief Egly will look into the idea of establishing a curfew within Hilltown Township and report on it at the next Board of Supervisors meeting.

2. Mr. Luke Martin, Indian Valley Opportunity Council
- Mr. Martin stated Duc Van and Mai Huynh have asked him to approach the Board of Supervisors regarding a zoning violation letter they have received. They had received an earlier citation and had responded to it, but not understanding the context of the citation, really did not come into compliance with regards to the zoning violation. After receipt of the second notice of violation, Duc Van and Mai Huynh approached the Indian Valley Opportunity Council to explain the violation to them. They communicated via correspondence translated by Mr. Martin to the Township, indicating their intention to comply with the codes as soon as possible. Because their uncle's family consists of ten children, there may be difficulties renting a home, and therefore it may take some time before it will be possible to come into compliance. Mr. Martin advised three members of the uncle's family currently have jobs and the parents of the family are actively looking to rent a house at this time.

Chairman Bennett was sympathetic with Duc Van and Mai Huynh's plight, however the situation has been a problem for some time and he would be inclined to agree to a time limit. Chairman Bennett has heard there have been up to 22 people living in the house at one time. Mr. Martin stated the Duc Van family has seven immediate members and the uncle's family has twelve members.

Supersvisor Bennington asked Mr. Applegate, Building Inspector/Zoning Officer, how long the violation has been continuing. Mr. Applegate replied approximately 2 1/2 months. Supervisor Bennington also sympathizes with their plight, however he is annoyed that the excessive noise violation, illegal parking, and use of the rear lot as bathroom facilities continues. It is also possible that the residents of the home are taking in lumber to construct accomodations for people to live there. Responding to this issue, after receiving the initial notice of violation, Duc Van explained to Mr. Martin that he understood the violation to mean if he extends the house in any way, he needs to obtain a building permit. He did not understand that he was in violation of these other issues as well. It was only after the second notice of violation was received on September 11, 1991, Duc Van indicated to Mr. Martin his willingness to comply with the violation. Supervisor Bennington asked Mr. Applegate if additional complaints since September 11, 1991 had been received. Mr. Applegate replied no additional

complaints have been received since that date, and as a matter of fact, one call was received stating conditions at the site had improved.

Chairman Bennett asked how many people will remain in the home once the uncle's family finds suitable quarters. Mr. Martin replied Duc Van's immediate family of seven members will remain in the home. The Board of Supervisors agreed they would be willing to allow continuance until December 31, 1991, unless additional complaints are received. If additional complaints that mirror the second violation are received during that three month period, then the continuance becomes null and void and the offending family members must leave the home immediately.

3. Dr. Derstine - Zoning for Veterinary Clinic - Dr. Tom Derstine is a local veterinarian who has been serving the Penridge area for 17 years. He has been a partner in the Rockhill Animal Hospital for the last 15 years and is currently in the process of buying out his partner who has retired. Dr. Derstine's problem, which concerns the Board of Supervisors, revolves around the possibility of his animal hospital losing it's current location. If he loses his lease, as a result of the buyout, Dr. Derstine may be forced to relocate the staff of four doctors and personnel to a new location within the next few months.

Dr. Derstine is in the process of purchasing a home in the Township which has been zoned Light Industrial. Dr. Derstine is asking to be allowed to move the animal hospital to this location, if he is forced to move before he is ready, without the preliminary site development plans. He has contracted with a surveyor and an architect to design and implement a plan, however the process may take months to complete. Dr. Derstine would be willing to renovate the existing building only to use as a animal hospital, until the site development plans are completed. If approved, further construction of a larger facility could then begin. Dr. Derstine also needs permission to erect a sign and to enlarge the driveway and parking area.

Supervisor Bennington asked why this is an emergency situation, and why wasn't there more time to go through the proper channels. Dr. Derstine replied he has just been informed that he may be evicted.

Supervisor Bennington asked Mr. Applegate if a veterinarian clinic is allowable in that zoning district. Mr. Applegate replied he has not reviewed the issue at all. Supervisor Bennington asked the location of the proposed animal hospital. Dr. Derstine replied it is located at 4607 Old Bethlehem Pike, and is the property right next to Keystone Drive.

Supervisor Bennington felt the plan should go before the Planning Commission, which is the proper channel. Supervisor Bennington did not feel this step of the process could be circumvented since there are other outstanding applicants in the same situation. Mr. Wynn stated the provisions of the Ordinance include the submission of a land development plan prior to the occupancy of a building.

The next Planning Commission meeting is scheduled for October 21, 1991. Supervisor Bennington asked Dr. Derstine what prevents him from submitting a land development plan before October 21, 1991. Depending on what happens with the buy out, Dr. Derstine replied he may have to leave the animal hospital by the end of October.

Supervisor Bennington felt the Board of Supervisors could not grant Dr. Derstine a contingency plan at this point in time, without going through the proper channels. Dr. Derstine asked if there was a chance he could be issued a temporary permit. Supervisor Bennington sympathized but felt Dr. Derstine opened a "pandora's box" by requesting a temporary occupancy permit, in that others could use this very same argument in the future to circumvent following proper procedures. The Board was in agreement.

4. Mr. Steve McKenna - Tollgate Village Open Space
- Mr. McKenna of Gwynedd Venture Associates, advised that Tollgate Village had received preliminary approval from the Board of Supervisors at their August 26, 1991 meeting, for the 116 townhouse/twin home development which is bounded by Rt. 152, South Perkasio Road and Telegraph Road. It has been the developer's intention to dedicate the open space to the Township. The open space is comprised of wooded area and floodplain area along the stream. The floodplain area is not wetland area. The open space area includes approximately 11.4 acres. There will be a retention basin which is less than an acre in total space.

Mr. McKenna stated the developer originally made an agreement with the Planning Commission to conduct improvements to the Telegraph Road bridge. Part of that agreement was that the Board of Supervisors might grant preliminary plan approval conditioned upon the bridge improvements. One of the conditions the developer requested was that the Planning Commission would recommend the open space be accepted by the Township.

After receiving preliminary plan approval, Mr. McKenna attended the Park and Recreation Board meeting on Tuesday, September 17, 1991 to discuss the open space area. Unfortunately, Mr. McKenna advised, the Park and Recreation Board recommended the open space not be accepted by the Planning Commission. Mr. McKenna outlined the benefits to the community if the Board of Supervisors would accept the open space offered in the Tollgate Village Subdivision. The location is within what will become a high density area of zoning. The developer is offering 20 acres of open space, as well as constructing a tot lot area and adding wood chip walking trails throughout. In the course of conversations with the Park and Recreation Board, Mr. McKenna advised the developer had also agreed to construct a baseball field, if that was the Board's wish. Mr. McKenna felt the proposed open space recreational area would be a benefit to the community as a whole.

Supervisor Bennington asked the Park and Recreation Board's reasons for denial of the open space area. Chairman Bennett replied the Park and Recreation Board was mainly interested in acquiring a smaller portion of open space area for a ball field and parking area. Another concern was the cost to the Township for maintaining the entire open space area. A further objection was raised regarding liability due to the stream and the wetland areas. Mr. McKenna also advised the Park and Recreation Board had concerns about creating a "pocket park", which would benefit only a small number of Township residents.

Supervisor Bennington commented one positive aspect of accepting the open space area in Tollgate Village is that there are no recreational areas in the CR Zoning District, and this would be the first in the high density area. The negatives include the stream area which could possibly create a great liability, the development's close proximity to Perkasio which may result in non-Township resident making use of the park, and the fact there are no proposed restroom facilities. Mr. McKenna felt the positives included 20 acres of beautiful land and low maintenance costs involved. Discussion took place on alternate ideas for use of the funds originally intended at this site to be used at the Garis site, also located on Rt. 152, but not in the vicinity of the stream.

Supervisor Bennington asked Mr. John Snyder of Nationwide Insurance, the additional premium cost required to cover the 20 acres of open space in question. Mr. Snyder replied basically there would be no additional charge for any liability.

Chairman Bennett asked where resident's would park to make use of the nature trail along the stream. Mr. McKenna replied that issue had not come up at this point in time, however he felt a gravel parking area could be provided.

A neighboring resident of the proposed Tollgate Village Subdivision felt the ground being offered for open space within the flood plain area was worthless, due to it's tendency to flood each time it rains.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to support the Park and Recreation Board's recommendation and not accept the Tollgate Village open space area.

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

1. Mr. Horrocks announced bid awards would take place this evening for Bid #91-9 - ID2 Wearing Course, which were opened at September 9, 1991 Board of Supervisors Work Session.

Blooming Glen Contractors:
\$26.12/Ton (\$24,552.80)

M & M Stone:
\$27.44/Ton (\$25,793.60)

P.K. Moyer:
\$28.65/Ton (\$26,931.00)

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to award Bid #91-9 - ID2 Wearing Course to Blooming Glen Contractors in the bid amount of \$26.12/Ton (\$24,552.80).

2. A request has been received from Frederick's Flowers for refund of a denied zoning permit.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to refund the permit fee to Mr. Muse of Frederick's Flowers.

3. At the last Work Session, Mr. Horrocks had presented information regarding Hilltown Township becoming a member of the Pennridge Chamber of Commerce. Supervisor Bennington asked the cost of joining this organization. Mr. Horrocks replied the membership fee is \$45.00 per year for a non-profit organization.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize Hilltown Township to join the Pennridge Chamber of Commerce in the amount of \$45.00.

4. Mr. Horrocks mentioned Hilltown Township Fire Company's request to remove the three birch trees and the two pine trees from the front of their fire station on Rt. 152. Two of the three neighboring property owners have been contacted and none object to removing the trees. Mr. Horrocks was unable to reach the third and final neighbor. Discussion took place regarding the possibility of transplanting any of the trees once they had been removed.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the request of the Hilltown Township Fire Company to remove the five buffer trees from the fire station located on Rt. 152.

5. The Board of Supervisors is requested to take action on the recommendation received from the committee formed to discuss public access to Township records.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the recommendations of the committee comprised of Mr. Jack Fox, Mr. John Gerner and Mr. Bruce Horrocks, except for Item #4. The cost of copying will remain at .50¢ per copy. Motion passed unanimously.

6. Mr. Horrocks presented a breakdown of the Township telephone system and the available savings the Township can take advantage of at this time. Hilltown Township is locked into a contract on the telephone service until 1994, and it is totally impossible, without paying a substantial penalty fee, to break the contract. There are a number of ways, however, to reduce the telephone costs, and save a minimum of over \$2,035.00 per year for phone service.

Supervisor Bennington felt the maintenance agreement should be discontinued, as telephone service can be received without the contract, and new phones could be purchased at Radio Shack for less money, as well.

Mr. Horrocks mentioned the fee the Township currently pays for phone service for the Hilltown Township Water and Sewer Authority. Solicitor Grabowski and Chairman Bennett recalled a five year agreement which exists with the Water and Sewer Authority regarding this issue. Solicitor Grabowski will research the agreement.

7. Mr. Horrocks requested Board approval to invite the fire department Chiefs and Presidents of all Hilltown Township responding fire companies to a meeting at the Township building so that he may introduce himself and to facilitate Mr. Horrocks' education concerning volunteer fire fighting.

Chairman Bennett commented the Fire Panel has given consideration to scheduling a fall meeting with the Chief's and Presidents, which has been done in previous years, and wondered if that may be a better time to introduce Mr. Horrocks to the responding fire departments. Supervisor Bennington felt Mr. Horrocks would rather meet with the Chief's and President's individually, separate from the Fire Panel. Chairman Bennett had no objections.

8. A request has been received from Mr. Eric Applegate, Building Inspector/Zoning Officer, to attend a Fire Prevention Inspection Seminar sponsored by the Department of Community Affairs. The cost for the seminar is \$55.00.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett and carried unanimously to approve Mr. Applegate's request to attend the Fire Prevention Inspection Seminar in the amount of \$55.00.

9. Mr. Horrocks presented six Escrow Releases for authorization this evening. All escrows as letter of credit:

Browning-Ferris Ind.	Voucher #03	\$ 1,786.49
Deerfield	Voucher #24	\$ 134.96
Hilltown Village	Voucher #09	\$ 280.78
Cheeks, Inc.	Voucher #04	\$ 457.43
Sterling Knoll II	Voucher #40	\$ 5,500.80
Sterling Knoll II	Voucher #41	\$ 103.29

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

10. A request has been received from representatives of an antique John Deere Tractor Club to rent the former Municipal Building in Blooming Glen on November 4, 1991. The Scout Cabin is rented out during the spring and summer months for a fee of \$10.00 for day use with a \$50.00 deposit, however the Scout Cabin will be winterized as of September 30, 1991.

Supervisor Bennington thought the rental of the former Municipal Building was handled by the Park and Recreation Board and felt the request should be referred to the chairman of that board, Mr. Bob Wendig.

11. The Upper Bucks Consortium of Communities has scheduled an evening meeting on November 21, 1991 at 7:30PM at the Milford Township Building. All Township Supervisors are invited to attend. State Legislators and the three County Commissioners will be present to discuss some sensitive legislation currently in Harrisburg.

12. The proposed Comprehensive Plan has been mailed to all surrounding municipalities.

13. Mr. Horrocks has spoken to Mr. Kevin Bishop, who is the gentleman proposed to be named as the Agricultural Officer of the Emergency Management team. Mr. Bishop would be more than happy to accept this appointment.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to appoint Mr. Kevin Bishop to the position of Agricultural Officer of the Emergency Management team.

14. The Fall Road Inspection has been scheduled for October 26, 1991 at 8:00AM.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to schedule Saturday, October 26, 1991 at 8:00AM for the annual Fall Road Inspection.

15. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to appoint Mr. Bruce Horrocks as Township Treasurer, when the new bonding period comes up in October, 1991.

16. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize Mr. Horrocks to execute a contract coverage with either Scottsdale or Home Insurance within the next 30 days, with the least expensive premium, for liability insurance.

G. CORRESPONDENCE:

1. Mr. Horrocks presented correspondence received from the Hilltown Women's Soccer Club thanking the Board of Supervisors for their generous donation.

2. Mr. Horrocks has also received correspondence from the Pennridge Senior Center requesting the Township keep them in mind for a donation during the 1992 budget preparation.

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3. The change of polling location had been approved and has been posted in the Blooming Glen Post Office, as well as in the present Township Building. In a few weeks, Mr. Horrocks will also post this announcement at the former Municipal Building, announcing the change of polling location. Supervisor Bennington suggested the change of polling location could be announced in the next newsletter, if it will be completed before the November election.

4. Mr. Richard Moyer has submitted a request to join the Agricultural Security District. Mr. Moyer is offering 82 acres to the Agricultural Security District.

5. Mr. Horrocks advised a check from the State has been received this date for the Volunteer Fire Relief Fund in the amount of \$55,208.00. Chairman Bennett explained the amount has increased this year by approximately \$4,000.00 and the entire amount will be distributed to the fire companies within 60 days of receipt of the check.

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

1. Solicitor Grabowski presented a Deed of Dedication by Mr. and Mrs. Bialowas of Rt. 152, for road frontage along their proposed subdivision. Solicitor Grabowski advised two resolutions would be needed. The first resolution would be to accept the Deed of Dedication, and the second resolution would be to Declare Public Purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-38 to accept the Deed of Dedication for the Bialowas Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-39 to Declare Public Purpose for the Bialowas Subdivision.

2. Solicitor Grabowski updated the Board on insurance coverage. The Township has various policies dealing with insurance coverage and the policy Supervisor Bennington mentioned earlier in this meeting is the Errors and Omissions of the Malpractice Policy of the Township, which covers the Township for any mistakes they might make in their decisions.

In the past, the Township has been insured by an excellent company called Scottsdale Insurance. The way insurance companies handle these matters is that they submit a proposal and you have approximately 45 days to decide whether you wish to renew your coverage with them. The expiration date of the current policy falls before the next Board of Supervisor's meeting in October, hence the motion this evening to consider the possibility of an alternative proposal from another reputable insurance company. The Township was expecting a proposal today from another company, however that was not received. The proposal should be here this week. Mr. Horrocks has been authorized to ensure there is no gap in Errors and Omission insurance before the next meeting.

3. With the proposed revisions to the Comprehensive Plan being distributed to the adjacent municipalities and the local school board, Solicitor Grabowski advised the next step would be for the Planning Commission and the Township to consider holding public hearings on the matter for the public's review.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to advertise for the Board of Supervisors public hearing for review of the proposed Comprehensive Plan on October 28, 1991 at 8:15PM.

Mr. Jack Fox, Chairman of the Planning Commission, advised Solicitor Grabowski the Planning Commission will hold their public hearing for the proposed Comprehensive Plan at their regularly scheduled Planning Commission meeting on Monday, October 21, 1991 at 8:00PM.

4. Solicitor Grabowski mentioned the various complaints concerning Bernie Enterprises, located on Keystone Drive, which were discussed at the last Board of Supervisors meeting. At that meeting, the Board directed the Zoning Officer, Township Engineer, and Township Solicitor to actually visit the site and meet with Mr. Metzger, the owner of the property. That meeting has taken place and a report has been submitted to the Board of Supervisors. In addition, Township files have been reviewed to discover what has occurred on this site since the early 1970's. A large amount of information and aerial photos of the property are available.

Solicitor Grabowski recommended the Board consider scheduling use of the Township meeting room to hold a work session for those neighboring residents of the Bernie Enterprises site who had previously signed a petition. This work session would allow the neighboring property owners to review the history of the Bernie Enterprises site and the solutions being suggested to rectify the matter.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to schedule a private worksession with those neighboring residents of Bernie Enterprises who had previously signed a petition against this site, as soon as possible.

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

1. Stone Subdivision - This two lot subdivision had previously been approved as a final plan, however the plans have been revised, since the Board approved them. Mr. Wynn stated the Stone Subdivision is located on Fairhill School Road and was previously approved with Lot #2 being a 10 acre flag lot. Apparently Mr. Stone has found a buyer who is interested in purchasing additional ground, so the applicant has relocated the one side lot line to increase the acreage to 17.8 acres.

At the access lane there is inadequate visibility for driveway access onto Fairhill School Road. Mr. Wynn advised there was a driveway proposed located with an easement area across what was Lot #1, with the driveway being constructed on a proposed dam and a pond. All of that is now going to take place on Lot #2 and therefore, will not require an easement. There are some buffer trees being installed and a new septic system will be installed on Lot #1. This plan, with the revised lot line change, was recommended for approval by the Planning Commission, and the Planning Commission had signed the minutes at their last meeting.

Mr. George Tracey, the attorney representing Mr. Stone, is concerned that the applicant will be required to establish an escrow for the construction of the pond and the driveway on Lot #2. Supervisor Bennington felt the potential buyer of Lot #2, who had originally requested additional acreage, should be responsible for the escrow.

Mr. Wynn explained one of the conditions of the original approval and the revised approval from the Planning Commission is that the driveway dam access to Lot #2 be included in the escrow agreement, to guarantee that it is installed, as opposed to having Lot #2 attempt to take access at some other location.

Mr. Tracey asked Solicitor Grabowski if the Township would accept escrowing of monies for the construction of the dam and the driveway and also asked if the Township would consider two separate escrows, one for Lot #1 and one for Lot #2. Solicitor Grabowski replied yes to both requests. Mr. Tracey commented if the plan is approved, then the transaction will be completed immediately and the purchaser will proceed with the construction of both the driveway and the pond, since they plan to construct their home on the upper section of Lot #2.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the revised final Stone Subdivision plan subject to the recommendations of the Planning Commission, the right-of-way dedication, escrow agreements and the lot line change.

2. Reliance Road Bridge - Erosion - At the last meeting, Mr. Wynn was directed by the Board of Supervisors to investigate the erosion problems Mr. and Mrs. Johnson had experienced on their property along Mill Creek, near the Reliance Road bridge, which was built in the 1970's. Having not been able to secure a set of bridge plans from the Township building, Mr. Wynn received a set of plans from Cowan Associates, who prepared the bridge plans in 1972. Mr. Wynn explained the location of Mrs. Johnson's property in regards to the bridge. BFI has been required to extend stormsewer down into where they receive easement from Mr. and Mrs. Johnson's property.

Mr. Wynn presented the Board with a synopsis of the information concerning the bridge. The plans show the bridge's alignment being such that it directs flow onto one side of the stream banks. The alignment of the bridge, in Mr. Wynn's opinion, has been the contributing factor to the erosion occurring for approximately 75 ft. along Mrs. Johnson's property. Currently, some large trees exist along the stream bank which now have their roots exposed, and Mr. Wynn believes they are responsible for the bank remaining as it is now. It is also a heavily shaded bank, which makes it very difficult for vegetation to grow and help stabilize the bank area. As Mr. Wynn has indicated, no calculations were done on flow velocities or volumes of flow, but he would suspect that installation of rip-rap would not be sufficient to prevent further erosion due to the occasional intense stream flows. Any work completed within the embankment and within the stream would require a written waiver from DER, and it is a waivable item under Chapter 105. It would also require a Bucks County Soil Conservation District permit for temporary erosion control measures for the structural improvements.

Supervisor Bennington commented the goal is to stabilize the stream bank to prevent further erosion. Chairman Bennett asked how many feet of bank needs to be stabilized. Mr. Wynn replied approximately 75 feet on just one side, though there will be work done on the opposite side of the stream. Primarily, the intensity of the flow is directed onto the west side of the stream bank.

The Johnson's attorney, Mr. Greg Emmons, advised that his client's concerns include not only preventing further erosion, but also restoring the land which has been lost to the erosion. Not having analyzed the flow velocity at this point, Mr. Wynn stated it will probably require some slope protection, back filling and stabilizing the slope behind the gabion baskets. Supervisor Bennington asked what gabion baskets are and what they accomplish. Mr. Wynn replied they are wire baskets filled with stone to prevent the stone from moving downstream and is normally used in high velocity flow areas.

Discussion between Mr. Emmons, Mr. Wynn, and Mr. Tobin, the attorney for BFI, took place concerning the erosion problem and the cost involved to rectify the matter. The representatives from BFI, along with Mr. Emmons and Mrs. Johnson moved to the lobby area to discuss the situation further among themselves.

3. Hilltown Pike Stormwater Run-off - Mr. Wynn suggested he and Mr. Horrocks contact the adjoining property owner who may be the cause of the stormwater run-off situation to get them involved in identification of the problem and find out what extent of cooperation might be offered on their part.

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4. Lotier Land Development - Mr. Wynn had thought the Lotier Land Development would have been completed this evening, however it is not. Mr. Lotier had appeared before the Supervisors to request a driveway to remain, however since it was included as part of a Zoning Hearing Board decision, the Board denied Mr. Lotier's request and asked him to appear before the Zoning Hearing Board again. At the same time, an extension was granted until the end of September to complete the project. Mr. Wynn has sent Mr. Lotier two notifications to follow-up on his application to the Zoning Hearing Board, however that application submittal has not yet taken place. Mr. Lotier has not responded to either letter, though he has begun tearing up the driveway and he has also planted the trees. Mr. Wynn feels by the end of the month of September, Mr. Lotier may have accomplished the remaining items for his land development.

5. Sterling Knoll Subdivision - Mr. Wynn received a letter from Mr. Glenn Garis requesting an extension for completion of improvements for the Sterling Knoll development for one more year, until September 30, 1992. Previously, Mr. Wynn advised, there was an extension until September 30, 1991, however Mr. Garis indicates that the current building industry continues to be very slow and they are not ready to complete the final roadway improvements and final paving. A letter has also been received from Pennview Savings to Mr. Garis indicating that they will extend the Security Agreement for one year until September 30, 1992.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to extend the completion of improvements for the Sterling Knoll development until September 30, 1992, with the condition that the Letter of Credit will also be extended for an equal amount of time.

6. Pileggi (Kepich) Land Development - Rt. 313 Improvements - Mr. Wynn notified the Board that the road widening required across the frontage of the site on Rt. 313, including curbing and widening, is slowly progressing. Blooming Glen Contractors have contacted Mr. Wynn's office at least four times with "false" start dates for this project. The curb has been installed and some of the initial widening has taken place. Mr. Wynn has been notified that Blooming Glen Contractors will be cutting the roadway on Tuesday, September 24, 1991.

7. Deerfield - Open Space - Mr. Wynn commented part of the open space for Deerfield Subdivision has been staked out for the removal of the fill, and the restoration of the open space. It is Mr. Wynn's understanding, from Mr. Hassan's engineer, that the applicant will most likely be proposing to build some berms, however that has not yet been completed. These berms will probably be constructed along Rt. 113, and possibly near the retention basin, due to excessive amounts of fill still remaining.

8. Derstine Land Development - Planning Modules have been received for the Derstine Land Development located on Schoolhouse Road. This plan had previously received a final approval. One of the items was subject to approval of Planning Modules, and the Planning Modules are for a revision for the connection of a sewer tapping into the Telford Borough Authority system. This requires an Act 537 Revision by Resolution.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-40 amending the Act 537 Plan for the Derstine Land Development, located on Schoolhouse Road.

J. RESIDENT'S COMMENTS:

1. Regarding the Miley property, Mr. Bill Godek asked if anything had been filed in Bucks County in terms of proceeding with the project. Solicitor Grabowski replied nothing has yet been done. The developer is now required to advise the Township when he is ready to proceed and is ready to review development agreements. Solicitor Grabowski stated there has been no contact from the developer's attorney at all.

Mr. Godek asked the current state of operations at the Blooming Glen Asphalt Plant. Chairman Bennett replied when testing is completed at the Skunk Hollow quarry, they will cease operations at the Blooming Glen plant. Mr. Wynn was under the impression that the Blooming Glen location had already been closed. Mr. Godek asked if Blooming Glen Quarry was required to make application to the Township to move the other plant within the scheduled time frame of 18 months. Chairman Bennett felt permits from DER may be required, however none would be required from the Township. Solicitor Grabowski did not have a copy of the original agreement with him this evening, however he felt if this process required Township permits, the Zoning Officer will get involved. Mr. Godek wondered whether the Township will follow-up to ensure the other plant had been closed within the 18 month time period. Chairman Bennett assured Mr. Godek that the Township will do so.

Mr. Godek also asked what method was used to arrive at the price of .50¢ per copy in the Township office. Chairman Bennett replied that fee was a result of polling surrounding Boroughs and Townships. Normal fees ranged from .25¢ to .75¢ per copy.

2. Mrs. Johnson expressed her disappointment with the negotiation that took place with BFI regarding the erosion problem. Mrs. Johnson commented the entire Township will eventually suffer from the effects on the stream once the BFI project is fully operational.

3. Mr. Jack Fox, Chairman of the Planning Commission requested the Board of Supervisors send a copy of the Zoning Ordinance to the Bucks County Planning Commission, as required by the Municipal Planning Code, to receive their input. Solicitor Grabowski asked Mr. Fox if he envisioned hearings on the Zoning Ordinance by the end of 1991. Mr. Fox replied it depends on when the 45 day review period expires.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to forward a copy of the Zoning Ordinance to the Bucks County Planning Commission.

4. Mr. Bill Gartner questioned the status of the Pleasant Meadows bridge. Mr. Wynn replied the Army Corp. of Engineers has a concern with comments made by the Pennsylvania Fish Commission which were sent to DER, and which DER ignored and considered invalid for that particular stream. The Army Corp. of Engineers is requesting additional information from DER as to why the comments of the Fish Commission were not taken into consideration.

Also, as a spokesman for the Silverdale Fire Company, Mr. Gartner advised the Fire Company has joined a litter control project and will be "adopting" portions of Rt. 113 and Rt. 152, as their responsibility. Chairman Bennett had noticed the "Adopt-A-Highway" Litter Control program this past spring in several of the southern states.

5. Regarding the Reliance Road bridge erosion problem discussed earlier in the evening, Mr. Emmons commented Mr. Wynn has not yet fully studied the photographs and other information available concerning this issue. Mr. Emmons advised his client's main concern at this point is that the stream erosion is taking place near their septic system and well. Supervisor Kelly felt the Board should table the matter until Mr. Wynn has had the opportunity to review all the necessary information. The entire Board of Supervisors was in agreement and directed Mr. Wynn to prepare calculations and review the material available regarding this issue.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington stated Lynda Seimes, Assistant Township Secretary, had made a recommendation to utilize the Township building for a blood drive within Hilltown Township. However, approximately 300 committed blood donors would be needed to insure a successful blood drive and he was not sure the Township would be able to generate such a turn out. Supervisor Bennington felt it was a good idea, and directed Mrs. Seimes to investigate the matter further.

2. Supervisor Bennington mentioned the proposed pistol range which had been discussed by Lt. Kerry Trauger at the September 9, 1991 Work Session. Supervisor Bennington, Supervisor Kelly and Chairman Bennett have all received numerous phone calls from Township residents who were opposed to this idea. Supervisor Bennington stated he is adamantly opposed to the proposed pistol range behind the Township building, and suggested Lt. Trauger investigate utilizing Target World a bit further.

3. Supervisor Bennington had previously proposed Mr. Les Lombardi to fill the vacant seat on the Park and Recreation Board. Supervisor Bennington would like to forward Mr. Lombardi's resume to the Park and Recreation Board for their recommendation to fill that vacant seat.

4. Chairman Bennett announced this meeting was preceded by a one hour Executive Session to discuss personnel matters.

L. 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 September 23, 1991 Board of Supervisors meeting at 10:15PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Assistant Township Secretary

1003A

HILLTOWN TOWNSHIP
ESCROW RELEASE SUMMARY FROM THE OFFICE OF C. ROBERT WYNN
September 20, 1991

1. Browning-Ferris Industries - Voucher No. 3, dated September 17, 1991 in the amount of \$1,786.49 for const. obs./esc. admin. for period from 8/1/91 thru 8/31/91.
2. Deerfield - Voucher No. 24, dated September 17, 1991 in the amount of \$134.96 for const. obs./esc. admin. for period from 5/1/91 through 8/31/91.
3. Hilltown Village - Voucher No. 9, dated September 17, 1991 in the amount of \$280.78 for const. obs./esc. admin. for period from 6/1/91 thru 8/31/91.
4. Cheeks, Inc. - Voucher No 4, dated September 18, 1991 in the amount of \$457.43 for const. obs./esc. admin. for period from 7/1/91 thru 8/31/91.
5. Sterling Knoll II - Voucher No. 40, dated September 18, 1991 in the amount of \$5,500.80 for sidewalk, handicap ramps, aprons, and rip rap.
6. Sterling Knoll II - Voucher No. 41, dated September 18, 1991 in the amount of \$103.29 for const. obs./esc. admin. for period from 7/1/91 thru 8/31/91.

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September 20, 1991

Hilltown Township Park & Recreation Board

To the Supervisors of Hilltown Township

Recommendation 9-4 At their Sept. 17th meeting the Park and Recreation Board voted 3-1 to recommend that the Township not accept the open space from the Tollgate subdivision as presented in the approved preliminary plan.

