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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, February 25, 1991
7:30**

The meeting was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Kenneth B. Bennington, Supervisor
Mary Eberle, Township Solicitor
C. Robert Wynn, Township Engineer
Maria Gerhart, Recording Secretary

Chairman Bennett referred to a news broadcast he heard this evening stating Saddam Hussein has withdrawn all of his troops from Kuwait. Whether or not this is a ruse, remains to be seen, however the news sounds promising. Chairman Bennett stated the newspapers have finally stopped publicizing the minority of war protestors seen over the past few weeks and he felt this would help boost troop morale.

Chairman Bennett advised Mr. Frank Grabowski was vacationing this week, and his substitute and partner, Ms. Mary Eberle was present in his absence.

Chairman Bennett announced the Supervisors and the Solicitor had an Executive Session this evening prior to this meeting to discuss personnel and legal matters.

A. APPROVAL OF MINUTES:

Supervisor Bennington noted on page 6, under "Supervisor's Comments", the date for the November election is incorrect. The correct date for Election Day is November 5, 1991.

Motion was made Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the February 11, 1991 Board of Supervisor's meeting as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett stated the bills presented for payment on February 25, 1991 total \$58,178.00, H & K Materials totalled \$655.00, and escrow releases in the amount of \$9,000.00, for a grand total of \$67,903.00. Chairman Bennett pointed out the reason the bill total was unusually high this month is due to payment of the recycling buckets which totalled approximately \$24,000.00. This money will be reimbursed to the Township by DER in six or seven weeks.

Supervisor Bennington questioned whether the amount of \$988.87 billed from Cardinal Camera Center was part of the police budget for the camera. Chief George Egly and Chairman Bennett replied that it was. Supervisor Bennington questioned the bill in the

amount of \$457.00 from American Office Systems for the service contract of the copier. Chairman Bennett advised this bill is for the police copier. A decision has not been made regarding purchasing a new copier for the Administration Department.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to pay all bills when due.

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

D. CONFIRMED APPOINTMENTS:

1. Mrs. Florence Simons - Mrs. Simons thanked Supervisor Bennington for following up with Chief Egly regarding the letter she requested be sent to the three trespassers. Mrs. Simons has received a letter from Chief Egly with regards to illegal deer hunting and trespassing, which takes place on hers and neighboring properties. Mrs. Simons stated she is not satisfied with this response, however she realizes and understands Chief Egly's position on this matter. Mrs. Simons asked if this same type of incident should occur again, should she phone Hilltown Township Police as she had done in November, or should she contact Judge Hunsicker, the District Magistrate, directly. Chief Egly explained it was too late for the Police Department to issue citations from the date of the incident in November, however, it was not too late for the incident itself. Chief Egly stated Mrs. Simons still has the right to file a private complaint with Judge Hunsicker. Mrs. Simons read from a hunting regulation handbook which states "Your hunting or fur taker license does not entitle you to trespass on private lands. Hunters may be prosecuted for trespassing, regardless of whether or not a property is posted against hunting or trapping". Chief Egly advised the law states that hunters may be prosecuted, with "may" being the key word. Mrs. Simons son, who spoke with Officer Kane, the responding officer, agreed with the officer to not prosecute the men involved in this hunting incident. Mrs. Simons asked if someone chooses to trespass next year, is there any way that she may request they be prosecuted. Chief Egly replied these gentlemen will be automatically cited, as the Police Department would consider this their second offense. Mrs. Simons thanked the Board and Chief Egly for their time and consideration in this matter.

Chairman Bennett asked Mrs. Simons, Hilltown Township Tax Collector, why the tax collections appear to be slow this year. Mrs. Simons explained March 1st is the billing date, and all bills will be mailed as of Tuesday, February 26, 1991. By the end of March, a collected tax of approximately \$100,000.00 to \$200,000.00 should be received. Delinquent tax bills issued by the County were discussed.

2. Mr. Samuel Pierce - Mr. Pierce was not present at this time. Chairman Bennett advised Mr. Pierce had requested to be on the agenda to discuss extending a lease on the former municipal building for use as a thrift shop to benefit the Pierce

Free Library. In order to maintain their tax free status, Friends of the Pierce Library needed a formal document to extend the lease on the former municipal building. The Board of Supervisors, at a previous meeting, had agreed to this extension and signing of the formal document is all that is required at this time.

3. Mr. Jack Fox - Mr. Fox stated on February 7, 1991, at their advertised public worksession, the Planning Commission unanimously agreed to file an appeal of part of the Zoning Officer's decision regarding Trader's Village E2 approval of that zoning permit. This decision was based on the fact that the Land Development was not submitted for review by the Engineer, Planning Commission, and Board of Supervisors, where errors and conditions are noted. Because of the complexity of this situation, under the Zoning Ordinance, the Zoning Hearing Board is the only body that can interpret the Ordinances, as far as the Township is concerned. There is also a question that the zoning permit might be issued on a non-conforming E16 use. Mr. Fox explained Trader's Village had received a legal E1 use permit in 1984, and has continued to add other businesses to the complex, such as C3, E9, H7 and other E1 uses. The Zoning Hearing Board must determine if the present use is an E16. If it is determined to be an E16 use, would going from an E1, which Trader's Village is now approved for, to an E2, which is above 10,000 square feet, would this increase the non-conformity that exists. Mr. Fox and the Planning Commission felt these questions should be addressed by the Zoning Hearing Board. Mr. Fox stated the duties of the Planning Commission includes review of applications for zoning permits, referred to under Section 800, to insure compliance with the terms of the Zoning Ordinance. In reviewing such applications, the Planning Commission shall follow the procedures employed in reviewing subdivision plans. The application shall be forwarded to the Bucks County Planning Commission for it's review, which Mr. Fox stated did not occur in this instance, and the Planning Commission should then submit it's recommendations and findings to the Board of Supervisors within 90 days of receipt of the application of the Zoning Officer. Mr. Fox explained the Planning Commission contends that a permit for an E2 use appeared before them on very short notice, with no thorough review by all Planning Commission members taking place. This permit did not go to the Bucks County Planning Commission, and did not go to the Board of Supervisors with the recommendation of the Planning Commission. Therefore, the Planning Commission feels the Zoning Hearing Board should take this information into consideration, under Section 801, Administration, Article 7 of the Zoning Ordinance. The Planning Commission is requesting the Board of Supervisors waive the \$750.00 Zoning Hearing Board Appeal fee.

Mr. Robert Grunmeier, 1811 Bethlehem Pike, who is also a member of the Bucks County Planning Commission, commented a land development plan pertaining to Trader's Village was reviewed by the Bucks County Planning Commission. Mr. Grunmeier stated the Planning Commission, whether it be a County or a Municipal

Planning Commission, is an advisory board, and an advisory board does not set policy. Policy is set by the Board of Supervisors. Mr. Grunmeier felt if the Board of Supervisors waive the fees for the Hilltown Township Planning Commission, they are allowing an advisory board to set policy. Mr. Grunmeier stated if the residents of this Township do not like the policy the Board of Supervisors are setting, their alternative is to elect the Supervisors out of office, however the residents have no recourse on the Planning Commission, as they are an advisory board. The Second Class Township Code and the Municipal Planning Code defines the Township Planning Commission as an advisory group only. Mr. Grunmeier asked the Board of Supervisors to think very carefully on their decision this evening.

Mr. Fox responded the land development plan which appeared before the Bucks County Planning Commission was for an E15 use, a totally different use than what appeared before the Hilltown Township Planning Commission, and also, the plan was never complete. The plan submitted was not factual, and was withdrawn from the Hilltown Township Zoning Hearing Board. Mr. Fox advised, even though the Board of Supervisors may set policy under the law, the Board of Supervisors does not have the right to interpret the Zoning Ordinance, unless it specifically states such.

Mr. Fox stated Trader's Village zoning application was approved by the Zoning Officer on February 1, 1991. In 30 days if the appeal is not submitted to the Zoning Hearing Board, it is voided, therefore Mr. Fox is calling for a vote from the Board of Supervisors regarding the requested fee waiver.

Supervisor Bennington asked if the Planning Commission is not objecting to the Zoning Officer's conditions, why they wish to appeal his decision before the Zoning Hearing Board. Mr. Fox replied the plan did not follow the procedure it is intended to follow, and he felt not following laws and procedures of the Zoning Ordinance was wrong.

Mr. Wally Rosenthal, applicant for the Trader's Village plan, commented for the past six months, Mr. Fox and the Planning Commission had informed Trader's Village that they are an E15 use, and then that Trader's Village was a complex of buildings. Mr. Fox replied the Planning Commission had not told Trader's Village they were an E15 use. Mr. Rosenthal advised the site has been an E2 use for six years. The previous owners of the property were an E2 use and the building has not changed in size. Mr. Rosenthal felt the E1 use was probably either a typographical error, or a misinterpretation by Mr. Wynn at the time. The building is a full scale retail building and has been for thirty five years. The entire building has been used for retail sales in the past, and is presently being used for retail sales. Mr. Rosenthal advised the building is fully sprinklered, it has plenty of exit signs, safety devices, and smoke alarms, and the building has been inspected by the Bucks County Department of Health three times with no violations. Mr. Rosenthal stated Trader's Village is not pumping raw sewage

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into the streets, and they have found, through the Department of Health, that there is nothing wrong with any of their septic systems on the site. Mr. Rosenthal felt the issue was becoming ridiculous and asked the Planning Commission to make up their minds as to which use Trader's Village really is.

The Board of Supervisors recessed for 10 minutes to discuss the issue.

Motion was made by Supervisor Kelly, and seconded by Chairman Bennett to table the issue of waiving the Planning Commission's \$750.00 fee of the Zoning Hearing Board appeal. Supervisor Bennington abstained from the vote. Motion passed.

Chairman Bennett stated Hilltown Township had a very capable Zoning Officer and the Board of Supervisors have not attempted to influence him in any respect. Chairman Bennett felt there was a question between the Zoning Officer and the Planning Commission as to whether the Zoning Officer can or cannot attach conditions to zoning application approvals or recommendations. For those present who were not familiar with the Trader's Village plan or this issue, Chairman Bennett advised the Zoning Officer has issued an E2 use permit with conditions. This means the applicant cannot pursue the permit until the conditions are satisfied, whereupon a Use and Occupancy permit would be granted. Chairman Bennett stated another reason the issue has been tabled is purely financial. For anyone to appear before the Zoning Hearing Board, a fee is required. If the Planning Commission pursues the issue, the Board of Supervisors would have to back the Zoning Officer, which would further require finances for the services of an attorney.

E. MANAGER'S REPORT:

1. Chairman Bennett presented an Ethics Statement of Financial Interest form issued by the Commonwealth of Pennsylvania State Ethics Commission to the other members of the Board of Supervisors for completion.

2. Chairman Bennett reported Bunny's Animal Shelter is down to 187 dogs. When Chairman Bennett was elected to the Board of Supervisors approximately 3 years ago, there was 312 dogs being cared for by the shelter, so significant progress has taken place.

F. TREASURER'S REPORT:

1. Chairman Bennett presented the Treasurer's Report dated February 22, 1991:

General Fund Checking Account
End of Month Balance - \$14,335.01

Payroll Checking Account
End of Month Balance - \$155.53

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Fire Fund Checking Account
End of Month Balance - \$32,070.20

Debt Service Investment/Checking Account
End of Month Balance - \$2,363.26

State Highway Aid Checking Account
End of Month Balance - \$187.55

Escrow Fund Checking Account
End of Month Balance - \$95,526.17

Chairman Bennett advised, this time of the year, the expenses continue on a regular basis, yet the receipts are rather slow coming in. The next payroll will be met on Wednesday, February 27, 1991, however it will be close.

2. Chairman Bennett entertained a motion to authorize four Escrow Releases (all Letters of Credit):

Sterling Knoll, Phase II	Voucher #34	\$153.54
Bridle Run	Voucher #8	\$866.09
Deerfield	Voucher #22	\$5,715.00
Solar Atmospheres	Voucher #4	\$4,630.50

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize the four listed Escrow Releases.

G. HILLTOWN TOWNSHIP FIRE CHIEF'S REPORT/EMERGENCY MANAGEMENT COORDINATOR'S REPORT - Mr. Robert Grunmeier, II could not be present this evening, therefore, Mr. John Snyder, president of Hilltown Township Fire Company was in attendance to present the report. This report is on file at the Township office.

Mr. Snyder reported that yesterday, February 24, 1991, the Hilltown Township Fire Company experienced major engine failure during the operation of Engine 60 which is based at the Line Lexington station. As of this morning at 5:00AM, the engine was flatbedded to Penn-Detroit which is located in the Reading/Kutztown area. Penn-Detroit is a distributor for Detroit and also Allison, which is the engine and transmission in this vehicle. An estimate of a minimum of \$12,000.00 to completely overhaul one of the main bearings in the engine was received. Estimates will be received to determine whether the engine can be rebuilt or whether it will be economically feasible to spend a few thousand dollars more to replace the engine itself. To complicate the matter further, Mr. Snyder stated the Hilltown Township Fire Company is in the process of purchasing another used piece of equipment. Part of the agreement with this issue is that one engine has already been moved out to the dealer they are working with. Instead of the Hilltown Township Fire Company having three engines at their disposal, Mr. Snyder

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explained they are currently working with one engine. To resolve this problem, they are leasing from the dealer for \$1.00, an early 70's model Mack engine so that each station will have atleast one vehicle. In the interim, the extra coverage is being handled by the mutual aid agreement with use of an engine from another company. Mr. Snyder presented a letter addressed to the Hilltown Township Fire Panel requesting they meet as soon as possible to review the situation and to determine what help can be given to fund this unexpected major emergency.

Chairman Bennett advised he is in the process of scheduling a Fire Panel meeting for Tuesday evening, February 26, 1991, and would call Mr. Snyder if this meeting is indeed scheduled.

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

1. Philadelphia Electric Company Subdivision (Minor)
- Mr. Wynn stated this is a two lot subdivision located on Rt. 152, just north of New Britain Township. The plan proposes one new residential lot of 6 1/2 acres in area on the 19 acre tract. The larger of the two lots is the existing transmission right of way. The site is proposed to be served by on-site well and septic system. There are two locations which were approved for perk for a sand mound which is shown on Lot #1. This plan had originally been submitted as a three lot subdivision. One of the lots proposed was a flag lot which did not contain ten acres and did not conform to the Township's Zoning Ordinance requirements, therefore the plan was then changed to a two lot subdivision. Mr. Wynn explained the applicant's engineer, Weir Associates, determined the need for a retention basin for the single family dwelling, which is proposed to be built on Lot #1. There are no proposed street improvements to Rt. 152, however, right-of-way is proposed to be dedicated.

Mr. Wynn stated the Planning Commission made a recommendation to approve the minor subdivision plan subject to Planning Modules being approved by the Bucks County Department of Health and DER, and that the balance of the debris on the site be removed prior to plan recordation. An escrow agreement executed to guarantee installation of public improvements, Erosion and Sedimentation Control of the retention basin, certification of the installation of property pins and monuments and some minor drafting details regarding the retention basin still remain to be completed. Mr. Wynn commented there has been quite a bit of debris dumped along the access road under the power lines. Some of the debris has been cleaned up, however there are tires and other large items which still need to be removed.

Mr. Wynn advised this subdivision is across the street from the five lot subdivison proposed by PECO which was previously denied.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend final plan approval of the Philadelphia Electric Company Minor Subdivision based upon the recommendations of the Planning Commission.

2. Guimond Land Development (Preliminary) - Mr. Wynn stated this proposed land development is located on the corner of Rt. 113 and Landis Road in the Planned Commercial zoning district. There is an existing brick dwelling on the site, which has been utilized more recently as an environmental engineering office. Proposed is a 630 square ft. addition to the side of the building along Landis Road for additional space for computers and storage. The applicant has indicated there are no plans for additional employees, however the parking requirements are met based upon the square footage of the building. Mr. Wynn advised the property is 128 feet wide and is adjacent to a residential use property located in the Planned Commercial district. Because of this, there is a 75 ft. wide buffer yard required along that property boundary within which the existing building and addition are proposed.

The Planning Commission has made a recommendation for preliminary plan approval subject to conditions. Mr. Wynn explained one of the conditions is to accept the request for a waiver of street improvements along Landis Road and Rt. 113, conditioned upon the dedication of the additional right-of-way of five feet along Landis Road. The applicant was present at the last Planning Commission meeting and indicated that would not be a problem. Mr. Wynn stated the applicant must receive approval from the Hilltown Township Zoning Hearing Board if it is to move onto the final planning stage, for the encroachment of the additional 630 square feet in the buffer yard area. Additionally, building setback lines must be shown on the plan and approval must be received from the Bucks County Conservation District for the Erosion and Sedimentation Control. There are no public improvements, although there are buffer yards required, and there are no plantings proposed due to the existing trees on the property. This condition is subject to a Zoning Hearing Board approval for the encroachment.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary plan approval of the Guimond Land Development subject to conditions specified by the Planning Commission.

8:30PM - PROPOSED CABLE TV ORDINANCE:

Ms. Mary Eberle, representative from the Township Solicitor's office, stated her office, at the request of the Board of Supervisors has advertised for a hearing this evening regarding an ordinance regulating cable television in Hilltown Township. The proposed ordinance would grant to Suburban Cable a 5 year non-exclusive franchise to operate cable television service within the Township. Other notable provisions include a requirement that Suburban Cable submit to the Township 5% of the gross revenues it takes in from cable television service subscribers. Ms. Eberle advised this is a 2% increase over

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the prior franchise agreement held with Suburban Cable. The agreement also requires that no new poles can be erected in the Township unless absolutely necessary.

The proposed ordinance requires that Suburban Cable has adequate amounts of insurance to protect the Township and it's residents from any liability for the negligence of Suburban Cable or it's employees, and the agreement also allows schools to have free hook-up. Finally, the proposed ordinance requires that Suburban Cable runs an efficient operation, that their service meets the guidelines established by the Federal regulatory agencies, that Suburban Cable has a business office located convenient to the residents of Hilltown Township who subscribe to their services, and that all problems be responded to within 24 hours. Ms. Eberle explained the proposed ordinance sets forth the ability of the Township to suspend Suburban Cable's license to service Hilltown Township in the event there is a breach of the franchise agreement, and also provides that if Suburban Cable does not accept the terms of the agreement within 15 days, the provisions are null and void.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept Ordinance #91-1, Cable Television Ordinance, with the specifications listed above.

H. ENGINEERING/PLANNING (continued)

3. Viking Subdivision (Preliminary) - Mr. Wynn advised this site is located at the corner of Reliance Road and Bethlehem Pike. Proposed is a three lot subdivision to be completed in two phases. Phase #1 would include the corner lot consisting of approximately 4.7 acres and all road improvements identified as Phase #2 in coordination with BFI Land Development. Phase #2 would include two lots, both being approximately 2 acres in area, served by a cul-de-sac street. Mr. Wynn commented the property is zoned Industrial and is to be served by sewer and water from the Telford Borough Authority.

The Planning Commission has made a recommendation to approve the preliminary subdivision plan, subject to a note being attached to the plan clearly indicating that Phase #2 subdivision plan must be accomplished prior to any construction or any zoning permits being issued for Lots #2 and #3. This plan approval is for Phase #1 only, which is Lot #1. Approval must be received from the Telford Borough Authority and Planning Module approval must be received from DER. Also pending is approval from PennDot for Bethlehem Pike improvements, an escrow agreement for public improvements along Reliance Road and Bethlehem Pike, and two drafting items which include what appears to be a conflict between the stormsewer and the gas line, and identifying the Clemen's driveway on the plan.

Chairman Bennett asked why the applicant would not seek approval for Phase #1 and Phase #2 at the same time. Mr. Wynn replied what the applicant is proposing to do is construct a spec building on Lot #1, which is almost identical to the building constructed at Tech Drive and Bethlehem Pike. Presently, the applicant

does not appear to have very many solid tenants. If they seek approval on all phases, they will also have to escrow funds for the construction of the cul-de-sac street, and the applicant is not yet ready to make that investment at this time.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary approval of the Viking Subdivision subject to conditions specified by the Planning Commission.

4. Hilltown Industrial Park (Lot #1) Land Development (Preliminary) - Mr. Wynn stated this site is located at the corner of Reliance Road and Bethlehem Pike and is what is considered "Phase #2" of the previous subdivision. Proposed is a 39,000 square feet "flex space building", depending on the tenants, similar to their other building on Tech Drive. This will dictate how many actual units there are. An Industrial use is proposed with sections of the building being used for office area, and sections being used for warehouse and storage. There is a proposed retention basin at the corner which will discharge directly into the new stormsewer at Reliance Road, with a spillway onto Reliance Road.

Mr. Wynn advised the Planning Commission has recommended the preliminary plan be approved subject to the Bucks County Conservation District approval, Telford Borough Authority approval for water and sewer service, an escrow agreement for the public improvements for the land development which include retention basin, erosion control and buffer plantings, and some drafting revisions.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary plan approval to the Hilltown Industrial Park (Lot #1) Land Development subject to conditions specified by the Planning Commission.

5. Easy Living Pools Land Development (Preliminary) - This land development is located on Bethlehem Pike. Mr. Wynn stated at the end of October, 1990, Easy Living Pools had submitted a zoning permit to the Township for this site. At that time, they were denied, advised they needed a land development plan, and also notified of several zoning violations which existed on the property. This land development plan is in response to the letter to them advising they would have to submit and receive approval for a land development plan before they could secure the zoning permit. At that time, there was a large pile of trash located to the rear of the barn, between Bethlehem Pike and Rt. 309 bypass. Most of this debris has since been removed.

The plan proposes to convert an existing non-conforming residential dwelling to a commercial retail center for Easy Living Pools. Mr. Wynn explained the barn is to be utilized in conjunction with the business for a storage area. Much of the area behind the house will be a display area for above ground pools. The applicant is proposing to construct a single entrance

off Bethlehem Pike and close the existing entrance, which is near the house. The applicant also proposes to install a parking lot in front of the barn for customers and a parking area to the rear of the barn for company vehicles and employee parking. Easy Living Pools intends to use the existing septic system and well for water and sewage disposal. A retention basin is proposed on the lower portion of the property which will drain into an existing stormsewer pipe via that system.

Chairman Bennett asked if this was a new business. Mr. Wynn replied Easy Living Pools is an existing business and will be moving from the County Line Shopping Center to this new site. The preliminary plan was recommended for approval by the Planning Commission subject to some waivers and a number of conditions. With regards to the waivers, Mr. Wynn explained, one the Planning Commission's recommendation for approval is the encroachment of the parking area next to the barn. As shown, the parking area is 14.2 ft. from the front of the barn, instead of 20 ft. The reason for the request of the waiver and the recommendation by the Planning Commission, is that in order to construct a double row of parking between the buffer area and the barn, there is only a small amount of space involved. Mr. Wynn pointed out the area which will be encroached upon. The other waiver requested is with respect to street improvements on Bethlehem Pike and the access road to the employee parking area. Mr. Wynn quoted Township parking regulations which state the access road should be 24 ft. in width, however, since the proposed access road is only being used by employees and their vehicles, and because it will be fenced and gated during business hours, the Planning Commission recommended this waiver also be granted. Other items still outstanding include the overhead electrical service between the house and the barn must be placed underground, as well as conditions of the engineering review, including the permit from PennDot for driveway access and the retention basin discharge. Bucks County Planning Commission approval, Bucks County Health Department approval, installation of all buffer, monumentation and an escrow agreement is also needed. Mr. Wynn pointed out a buffer area which must be revised to a "C" buffer, since the current use at the next property is residential. The applicant has been advised this buffer must be increased with heavier plantings. The applicant has also requested that no plantings be installed in the buffer yard along the Rt. 309 bypass, due to the elevation of the bypass.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary approval to the Easy Living Pools Land Development subject to conditions specified by the Planning Commission.

6. BOCN Subdivision (Minor - Preliminary) - Mr. Wynn advised this is a proposed two lot subdivision located on Hilltown Pike at the site of the former PennDot maintenance facility. The plan proposes to subdivide one new building lot with the balance of the tract not being proposed for development at this time. There are no proposed improvements on the site. Mr.

Wynn explained there is a large amount of discarded debris, such as fuel tanks, appliances, tires, etc. which has been dumped on the site over a period of time. The major issue to be resolved is the removal of debris from the site. The applicant has agreed to the clean up and removal of all debris.

Mr. Wynn stated Lot #1, being entirely wooded, contains 1.15 acres and is to be served by on-site septic and water supply. Lot #2, containing 15.04 acres, is mostly wooded and is traversed by a creek with floodplain and wetlands.

The Planning Commission has recommended conditional preliminary approval contingent upon a note being added to the plan stating any further development may require street improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary plan approval for the BOCN Subdivision subject to conditions specified and recommended by the Planning Commission.

7. Balco Subdivision (Preliminary) - Mr. Wynn presented this preliminary plan for a three lot subdivision located on Telegraph Road and Callowhill Road. The site is the same site of a plan denial of a subdivision submitted in 1990. The plan, when submitted previously, proposed several more lots than are currently proposed. At this point, there are two more building lots proposed fronting on Callowhill Road, one consisting of 5 acres and one consisting of almost 7 acres. The rest of the tract, which is located at the corner of Telegraph Road and Rt. 113, behind the old school building, contains 11 acres. That land is to be consolidated with other lands of Balco which adjoin it. Mr. Wynn explained the reason the applicant is not proposing development of Lot #3 is the entire 11 acres does not perk. Lot #1 and Lot #2 have an odd shape to reach two sand mound locations which are to the rear of the lots. Lots #1 and #2 are proposed to be serviced by wells.

The applicant has requested waivers of some required buffer improvements, including cartway widening, curb and sidewalk. The Planning Commission has recommended approval of those waivers. There will be a Class B buffer yard along Callowhill Road, behind the existing trees as required by the Zoning Ordinance. There is no buffer along the lot that is not proposed to be developed since it will remain as agricultural use.

Supervisor Bennington asked if the Planning Commission had any problems with Lots #1 and #2 configurations. Mr. Wynn replied the only place the property will perk is to the rear of those two particular lots, and therefore explains the odd configurations. The Planning Commission has agreed to these configurations.

The Planning Commission has recommended the plan be approved subject to the completion of all the outstanding drafting and engineering requirements contained in the engineer review letter of February 4, 1991. The applicant has acknowledged, in writing, that they will comply.

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Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend preliminary plan approval of the Balco Subdivision subject to conditions specified and recommended by the Planning Commission.

8. Extensions - Mr. Wynn advised he is in receipt of two 90 day extensions for both the Stone Subdivision located on Fairhill School Road and the Forrest Sbudivision located on Welcome House Road. These two minor subdivision plans will both be resubmitted.

9. Orchard Road/Rt. 152 Intersection -Mr. Wynn reported design is continuing on the Orchard Road/Rt. 152 intersection realignment and improvements. Mr. Wynn has met with the property owner most affected by the realignment to explain the initial concept of what is occurring. Mr. Tom Buzby, Director of Public Works, will be doing some testing for waterline locations. The Hilltown Township Water and Sewer Authority is not sure of the exact depth of the water line. There is also a gas main under the roadway at that point, which the Township will not under any circumstances, interfere with.

10. Mr. Wynn also mentioned a statement made earlier in this meeting regarding raw sewage at Trader's Village. Mr. Wynn commented that statement may have stemmed from an earlier complaint by the Township of raw sewage, which originated from an inspection Mr. Wynn made in the fall of 1990, at which time there was raw sewage on the surface at Trader's Village, because during a site inspection, Mr. Wynn stepped in it. This was a complaint that was then related to the Bucks County Department of Health. As far as Mr. Wynn knows, this matter has been corrected. Chairman Bennett asked if it was specifically the Cheap Skates building the complaint referred to, because the Township had received a number of calls regarding that issue and Chairman Bennett made his own site inspection at the time. Mr. Wynn advised that it was at the Cheap Skates site and that the holding tank was overflowing in October/November of 1990. There have been repairs made to that particular holding tank and as well as the other two holding tanks on the site, as required by the Bucks County Department of Health. Mr. Wynn does not recall seeing a letter from the Health Department stating that all those repairs have been accomplished and corrected at this time.

I. SOLICITOR'S REPORT - Ms. Mary Eberle - Ms. Eberle advised she did not have any matters to report on at this time.

J. CORRESPONDENCE

1. Chairman Bennett presented a letter from Congressman Kostmayer regarding liability coverage for municipally owned underground storage tanks. Chairman Bennett spoke to Mr. John Snyder, who handles most of Hilltown Township's insurance, and based upon Mr. Snyder's information, the Board felt the three underground storage tanks presently in the Township should be filled in, due to the high cost of insurance.

K. RESIDENT'S COMMENTS -

1. Mr. Jack Fox, chairman of the Recycling Committee, stated the Township has until mid-March to resubmit for a grant. The Township was denied a drop-off center last year because of lack of funds. Mr. Fox explained he had spoken to DER earlier in the year and they stated the Township can submit the old grant to reinstate the grant which was denied due to lack of funds. Mr. Fox asked the Board for a vote to follow through on this matter. Supervisor Bennington questioned the cost estimate for the drop-off center. Mr. Fox replied the estimated cost was approximately \$25,000.00 to \$30,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously for the Recycling Committee to reapply for the drop-off center grant money.

L. SUPERVISOR'S COMMENTS

1. Supervisor Kelly attended the Bucks County Pennsylvania State Association of Township Supervisors convention in February, and at that time, Hilltown Township was presented with an honorable mention award in recognition of the excellence of it's Township reports to the citizens.

2. Supervisor Bennington asked if Chairman Bennett had contacted the Census Bureau. Chairman Bennett he has spoken to them since the last Board of Supervisor's meeting, and the Census Bureau informed him they have closed 45 offices in eastern Pennsylvania. Chairman Bennett was given an address to contact in Washington, DC. Chairman Bennett has also called PennDot to learn the economics and the effect of the census on Hilltown Township's Liquid Fuels report.

3. Supervisor Bennington mentioned the Civic Association field on Rt. 152 and questioned the status of same. Chairman Bennett replied the directors of the Civic Association are hoping to meet this week and will be contacting the Supervisors following this meeting. The only new condition Chairman Bennett has heard about from Hilltown Township Park and Recreation Board after a presentation by Pennridge Kennel Club, that they wish to use the field one more season, yet this would not stall the changeover of the field to the Township.

4. Supervisor Bennington commented Mr. Rosenthal made an incorrect statement earlier this evening, stating he had received an E2 Occupancy Permit. Mr. Rosenthal signed off on January 30, 1991 a zoning permit application stating " I further acknowledge upon taking occupancy under the E2 Retail Store zoning permit approval and subsequent to the expiration of any applicable appeal period, the existing permit of occupancy #84-186 from E1 is concurrently found to be null and void." Supervisor Bennington stated Mr. Rosenthal has had an E1 occupancy permit all along.

8.16

5. Supervisor Bennington was disturbed by a leaflet circulating through Hilltown Township and surrounding communities which states "Hilltown Government Out of Control". Supervisor Bennington felt the anonymous persons responsible for this leaflet attacked the Board's integrity and personally intended to make those individuals responsible for the leaflet regret their decision.

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

N. ADJOURNMENT - There being no further business, a motion for adjournment of the Board of Supervisor's meeting of February 25, 1991 was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously at 9:25PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Assistant Township Secretary
(*These minutes were transcribed from recordings and notes taken by Mrs. Maria Gerhart, Recording Secretary).

E184

Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: February 22, 1991

1. Sterling Knoll Phase II - Voucher No. 34 dated February 8, 1991 in the amount of \$153.54 for const. obs./esc. admin. for period from 1/1/91 thru 1/31/91.
2. Bridle Run - Voucher No. 8 dated February 15, 1991 in the amount of \$866.09 for const. obs./esc. admin. for period from 12/1/90 thru 12/31/90.
3. Deerfield - Voucher No. 22 dated February 18, 1991 in the amount of \$5,715.00 for signs, painted tapers, deciduous trees, property pins, and street light in the amount of \$5,715.00.
4. Solar Atmospheres - Voucher No. 4 dated February 20, 1991 in the amount of \$4,630.50 for concrete curb, fertilization, seed, and mulch.

E.T.C.

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN DEFINING AND GRANTING, BY LICENSE, NON-EXCLUSIVE RIGHTS AND PRIVILEGES TO SUBURBAN CABLE T.V. COMPANY, INC., TO ERECT, MAINTAIN AND OPERATE A DISTRIBUTION SYSTEM AND FACILITIES AND ADDITIONS NECESSARY THERETO; ESTABLISHING THE LICENSE TERM; DETERMINING STREET/ROAD OCCUPANCY CONDITIONS AND SAFETY REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR PAYMENT OF LICENSE FEES TO THE TOWNSHIP; AND PRESCRIBING PROCEDURES FOR EVALUATING LICENSEE'S PERFORMANCE AND ACCEPTANCE HEREOF BY LICENSEE.

Preamble

The Hilltown Township Board of Supervisors hereby ordains:

SECTION 1

A. In consideration of the faithful performance and observance of the conditions, restrictions and reservations hereinafter specified, a license is hereby granted to Suburban Cable T.V. Company, Inc., its successors or assigns (hereinafter referred to as "Licensee") by the Township of Hilltown (hereinafter referred to as "Licensor") to erect, maintain and operate for a period of five (5) years, and during any extensions of said period, from the date of final passage of this Ordinance, a distribution system and necessary facilities and additions thereto, in, under, over, along, across and upon streets, lanes, avenues, alleys, sidewalks, bridges, rights-of-way, easements, highways and other places in the Township, for the

8-16-84

purpose of transmission and distribution of audio, digital and video impulses in accordance with the laws and regulations of the United States of America and the Commonwealth of Pennsylvania, and with the provisions of this Ordinance.

B. The license granted hereafter may be extended for subsequent periods after a hearing held before the Township and upon determination that the Licensee has generally and satisfactorily abided by and fulfilled the terms and conditions of the Agreement as herein described.

The Licensor and the Licensee agree that any proceedings under taken by the Licensor that relate to the renewal of the Licensee's license shall be governed by and comply with the provisions of the Cable Communications Policy Act of 1984, Public Law 98-549, H.B. 4103 (hereinafter "the Cable Act"), unless the procedures and substantive protection therein shall be deemed to be preempted and superseded by the provisions of any subsequent amendments of Federal or State law.

SECTION 2

Except as otherwise provided in this Section, Licensee shall erect its facilities on existing power and telephone poles pursuant to Pole Attachment Agreements to be entered into between Licensee and the utility companies having

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ownership of or otherwise having jurisdiction over such existing power and telephone poles. No new poles shall be set by Licensee except where no poles exist or use of an existing utility pole is not practicable due to excessive rearrangements or other conditions.

SECTION 3

The distribution facilities of Licensee shall be at all times maintained in a good and safe condition by Licensee, and shall be constructed and maintained by Licensee so as not to interfere with television and radio reception by inhabitants not using services of Licensee. Licensor agrees to promptly notify Licensee of all permits granted for the development of residential subdivision or multiple dwelling complexes to enable Licensee to make arrangements for installation of its cable facilities within same.

SECTION 4

Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, the National Electrical Code, and applicable ordinances and regulations of Licensor affecting or otherwise covering electrical installations.

SECTION 5

A. Licensee shall indemnify and hold Licensor harmless from and against any loss and expenses, including attorney's

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fees, from any claims, demands or actions for injury and damage to persons or property, both real and personal, arising out of the construction, erection, operation and maintenance of the facilities of Licensee.

B. Licensee shall carry insurance against any and all claims for injury or damages to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any of the facilities of Licensee. The amount of such insurance against liability due to damage to property shall not be less than One Hundred Thousand Dollars (\$100,000.00) as to any one person, and Two Hundred Thousand Dollars (\$200,000.00) as to any one accident; and the amount of such insurance against liability due to injury or death to persons shall not be less than Five Hundred Thousand Dollars (\$500,000.00) as to any one person, and One Million Dollars (\$1,000,000.00) as to any one accident. Licensee shall also carry such insurance necessary to protect it from all claims under the Workmen's Compensation Law in effect and applicable to Licensee. All insurance required by this Ordinance shall be and remain in full force and effect during the entire term of the license granted hereunder, including all periods of extensions. Licensee shall, if requested, provide Licensor with a certificate evidencing insurance coverage by this subsection.

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C. Licensee, upon receipt of due notice in writing from Licensor, shall defend, at the sole expense of Licensee, any action or proceeding against Licensor in which it is claimed that personal injuries or property damage arose from the activities of Licensee in the construction, erection, operation or maintenance of the facilities of the Licensee.

SECTION 6

In consideration of the license granted by this ordinance, Licensee hereby agrees to pay Licensor five percent (5%) of its gross revenues received from subscribers in the Township from its monthly basic and premium cable service excluding the share of premium service revenues that belong to and are paid to the suppliers of such services. Licensor agrees that the said sums of money to be paid to and accepted by the Licensor are in full payment for the privilege of Licensee for using public thoroughfares of the Township by the Licensee in conducting activities pursuant to this license and in lieu of any other taxes or charges that may be assessed or charged by Licensor. Payments of the said fee shall be made by Licensee to Licensor on a quarterly basis, and shall be accompanied by a report of such gross revenues received, certified by a certified public accountant or officer of Licensee.

2.18.117

SECTION 7

All public and private schools and all municipal buildings maintained by Licensor and which are passed by Licensee's distribution cable shall receive regular monthly service free of charge. With the exception of a normal aerial installation of one outlet, the cost of installation of service from the street to the building and within the building shall be the responsibility of each such user.

SECTION 8

The rates charged by Licensee for installation of and providing any and all cable services shall be set by Licensee with appropriate input by Licensor as permitted by the Cable Communications Policy Act of 1984, as amended.

SECTION 9

Licensee is hereby granted the right to assign the license granted by this Ordinance upon permission of Licensor, which permission shall not be unreasonably withheld. Notwithstanding, Licensee shall have the right, without such permission of Licensor, to assign this license to any affiliate or subsidiary of Licensee.

SECTION 10

Licensee shall maintain a business office at a location where subscribers may readily visit and may call without incurring toll charges. Licensee shall generally respond to all service calls within twenty-four (24) hours and

2.10.0

correct cable malfunctions as promptly as possible; and shall maintain a competent staff sufficient to provide adequate and prompt service to its subscribers.

SECTION 11

In the event that Licensee fails to comply with any material provision of this Ordinance and fails to correct such noncompliance within ninety (90) days after written notice received from Licensor to do so, Licensor shall have the right, in addition to all other rights and remedies allowed by law, to require Licensee to terminate service until such failure is cured.

SECTION 12

Licensee shall accept the provisions of this ordinance in writing to be received by the Township no later than fifteen (15) days from the date of the enactment of this Ordinance. In the event that such notice is not received by the Township within said time period, the provisions of this Ordinance and the license granted hereby shall be rendered wholly ineffective and void.

SECTION 13

If any section is determined to be illegal, invalid or unconstitutional by any court of common jurisdiction, such determination shall have no effect on the validity of any other section hereof.

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SECTION 14

Ordinance No. 81-8 is hereby specifically repealed, and all other ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistency.

ENACTED and ORDAINED this _____ day of _____, A.D., 199 .

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Hilltown Township Volunteer Fire Company

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P.O. Box 176

Line Lexington, Pennsylvania 18932

EMERGENCY 822-0550

February 25, 1991

TO: Hilltown Township Fire Panel

FROM: John L. Snyder, President
Hilltown Township Volunteer Fire Company

RE: Emergency Allocation
Fire Tax Reserve Fund

Yesterday, February 24, 1991, Engine 60 which operates out of our Line Lexington Station experienced a major engine failure. The unit was taken out of service and transported today to Penn-Detroit for repairs.

At this time, after an initial inspection of the engine by Penn-Detroit, it appears that the main bearing on the engine has been "spun." In order to repair this item, the entire engine must be removed from the truck. Initial minimum cost estimates for this repair are \$12,000. This cost could be considerably higher depending on what is found when the engine is removed and opened.

On behalf of the Hilltown Township Volunteer Fire Company, I am requesting that the Chief and myself be scheduled to meet with the Fire Panel as soon as possible to discuss an allocation from the Hilltown Township Fire Tax Reserve Fund.

Thank you for your consideration of this request.