

643

**HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
AUGUST 27, 1990**

The meeting was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth Bennington, Vice-Chairman  
Betty Kelly, Supervisor

Lee Buchanan-Gregory, Acting Township Manager  
Frank Grabowski, Solicitor  
C. Robert Wynn, Township Engineer  
Police Chief George C. Egly

Chairman Bennett announced several minor changes to the agenda for this meeting. Mr. Charles Weir, from Philadelphia Electric would be speaking during Confirmed Appointments, and the Recycling Ordinance, which was originally posted on the agenda for 8:00PM, would be heard at 8:30PM.

Chairman Bennett further announced that Acting Township Manager, Ms. Lee Buchanan-Gregory would be taking the minutes this evening.

A. APPROVAL OF MINUTES: Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 13, 1990 Supervisors' meeting as written.

B. APPROVAL OF CURRENT BILLS: Supervisor Bennington questioned the repair/maintenance supplies bill from Detlan Equipment for welding of a bracket on a J.D. Motor and if this was for the old motor. Ms. Buchanan-Gregory stated that it was. Supervisor Bennington also inquired about electrical repairs to the heating system and whether it was for the former municipal building. Ms. Buchanan-Gregory stated that it was. Supervisor Bennington asked for clarification of the bill for Real Estate Taxes of \$705.60 for Pleasant Meadows from Florence Simons. Ms. Buchanan-Gregory advised that these are the property taxes paid for open space property which is owned by the Township. Supervisor Bennington requested that breakdowns be listed for repairs of police vehicles, rather than having them lumped into one category. Chairman Bennett stated the total bills for the month are \$73,627.00. Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to pay all bills when due.

C. TREASURER'S REPORT: Ms. Buchanan-Gregory advised the end of the month report for August would be presented at the September 10, 1990 meeting.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: Mr. Jack Fox, Chairman of the Hilltown Township Planning Commission, stated that extending a lateral for Solar Atmospheres was on the plan, which was before the Planning Commission and which had been approved.

E. CONFIRMED APPOINTMENTS:

1. Mr. Charles Weir, Philadelphia Electric - PECO was before the Planning Commission at their last meeting. All but one item on the engineer review letter - the community water system - had been resolved. Mr. Weir is before the Board of Supervisors to request a waiver of that particular requirement. Proposed is a five (5) lot subdivision, with three (3) building lots, the existing house and barn, and transmission corridor. The smallest lot is the existing barn and house, which is on 1.91 acres, and the second smallest lot, Lot #3, which is 2 acres. Lot #2 has over 4 acres and Lot #4 has over 6 acres. Across the street, there is a two lot subdivision - Lot #1 is the transmission corridor, and Lot #2 is a 6 acre lot. The average lot, when combining all available lots, is approximately four to five acres each.

Supervisor Bennington asked on what grounds Philadelphia Electric is requesting this waiver. Mr. Weir replied the lot sizes are large enough and are sufficient to withstand the water resources impact study, and there is no other community water system in the area. Mr. Weir stated North Penn Water Authority services sections of Hilltown Pike in that area, approximately two and a half miles away, therefore present surrounding properties of the proposed subdivision have on-site water. Supervisor Bennington stated it is his personal opinion that a waiver of the community water system should not be granted, based upon the recommendation of the Planning Commission, because it would violate an ordinance and he feels exceptions should not be made in this case, or in any other case. Chairman Bennett inquired as to whether a water impact study is planned. Mr. Weir replied a water impact study is planned and would be carried out. Chairman Bennett commented he would like to see the results of this study before any decision regarding a waiver would be made. Mr. Weir requested the approval of the preliminary plans from the Board of Supervisors, before the water impact study would be done, and if it proved futile, the waiver would not be requested. Mr. Wynn advised for a community water system, a 48 hour pump test would be required to monitor adjoining wells. If a private water supply is specified, there would be no need for a 48 hour pump test and there is no requirement to monitor adjoining wells. Supervisor Bennington again stated he does not approve of the requested waiver for the community water system, and requests the 48 hour pump test be done. Supervisor Bennington feels Mr. Weir should follow the ordinance. Chairman Bennett agreed with Supervisor Bennington. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to deny request for Philadelphia Electric Company.

F. MANAGER'S REPORT - Ms. Lee Buchanan-Gregory:

1. Ms. Buchanan-Gregory attended the Upper Bucks Consortium meeting on Thursday, August 16, 1990. The subject of discussion was Recycling. Mr. Rich Godshall, from Alderfer and Frank was the guest speaker.

2. The Zoning Hearing Board will meet on Thursday, September 13, 1990 to hear the application of Mr. and Mrs. Connor, requesting a variance to erect a garage within the front yard of the premises at 305H Callowhill Road, Perkasie, Penna. The property is currently zoned Residential.

Also being heard that evening, is the application for Dr. Harris Newman requesting a variance to expand existing parking from nine spaces to twenty-three spaces at the medical office building located at 706 South County Line Road, Telford, Penna. The property is currently zoned Rural Residential.

3. ESCROW RELEASES:

A motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant the following escrow releases;

STERLING KNOLL PHASE II (L/C)	VOUCHER #27	\$1,034.93
H & L DEVELOPMENT (L/C)	VOUCHER #8	\$10,468.35
H & L DEVELOPMENT (L/C)	VOUCHER #9	\$498.46
SKYLINE ESTATES (L/C)	VOUCHER #2	\$525.84
BRIDLE RUN (L/C)	VOUCHER #2	\$33,511.62
BRIDLE RUN (L/C)	VOUCHER #3	\$3,723.51

4. Ms. Buchanan-Gregory reported on Friday, August 31, 1990, Hilltown Township is anticipating delivery of the newly purchased backhoe.

G. EMERGENCY MANAGEMENT COORDINATOR'S REPORT/HILLTOWN TOWNSHIP VOLUNTEER FIRE CHIEF'S REPORT:

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly, and carried unanimously to appoint Mr. Al Wegler to the position of Resource Officer and Radiological Officer. Supervisor Bennington introduced and recognized Mr. Wegler.

Mr. Robert Grunmeier, II, Hilltown Township Emergency Management Coordinator, read the report for the month of August. Mr. Grunmeier reported Mr. Wegler and Deputy Coordinator Mr. Tuttle are scheduled to attend two schoolings - one in Clarion and one in Lehighton for the radiological aspect of Emergency Management. Mr. Grunmeier presented to Ms. Buchanan-Gregory, the 1991 projected budget for Emergency Management. Mr. Grunmeier questioned Township Solicitor, Francis Grabowski, regarding protocol for entering into Mutual Aid Agreements with surrounding municipalities, if we will have to draw up Mutual Aid Agreements, or if the countywide Mutual Aid Agreement will suffice. Solicitor Grabowski stated the countywide Agreements should be sufficient. Hilltown Township's Emergency Management Coordinator and committee are scheduled to meet with Bedminister Township and Dublin Borough sometime in the near future. Chairman Bennett inquired if there are other Emergency Management Coordinator's in surrounding municipalities. Mr. Grunmeier replied that it is law that each municipality have an Emergency Management Coordinator, and to his knowledge, every municipality surrounding Hilltown Township does have one at this time. A Site Specific Plan has been received from Penridge School District, which was not

satisfactory and held some discrepancies with Hilltown Township's plan. A meeting will be scheduled to discuss this matter.

Supervisor Bennington received a letter from Silverdale Volunteer Fire Company stating they will be hosting a four hour program sponsored by Bucks County Emergency Management Training Center called "Hazardous Materials Recognition Identification for the First Responder". The course is scheduled for September 11, 1990 at Silverdale Fire House. Mr. Grunmeier replied that he had also received that correspondence.

Mr. Grunmeier read the Hilltown Township Fire Company report for July and August, 1990. The reports are on file at the Township Building. Chairman Bennett questioned overall activity for Hilltown Fire Company, as compared to last year. Mr. Grunmeier stated that activity is down for Hilltown.

H. ENGINEERING/PLANNING - C. Robert Wynn:

1. Cheeks, Inc. - Preliminary Plan - Action is required on this plan by Sept. 15, 1990. This subdivision was originally called Heck Land Development. Mr. Paul Heck was present to discuss the plan. Site is located on Bethlehem Pike, next to Keyser-Miller dealership and across the street from Cherry Lane. There is an existing dwelling and small garage located very close to Bethlehem Pike, which is proposed on the plan to be utilized as a caretaker's cottage. Site proposes a mixed use building, which includes a medical office, some retail sales and also therapeutic exercise services.

Mr. Heck advised the building is primarily for his wife, Dr. Rudden, who is an internist at Grand View Hospital and at the University of Pennsylvania. This will provide Dr. Rudden with more examination rooms, and ability for a retail space, primarily for her elderly patients who have difficulties finding the therapeutic products they need, and also an exercise/rehabilitation center for her patients. The cottage will also be a part of this parcel, having a caretaker to look after the property.

Mr. Wynn stated the property was the subject of a zoning variance and had received an approval from the Zoning Hearing Board for multiple uses and also a reduction of the buffer yard along Route 309. The buffer yard had been relocated on the site to allow the area along Route 309 expressway to remain basically open. This was reviewed by Hilltown Township Planning Commission and they found the landscaping plan to be acceptable. Supervisor Bennington questioned what conditions the Planning Commission asked for. Mr. Wynn replied one of the improvements proposed by the plan is the widening of Bethlehem Pike from Keyser-Miller property to the overpass bridge. Currently, there is a curved line along the frontage of Keyser-Miller, which is widened to a full lane, then tapered to a more narrow point near this property. That will be eliminated and the widening will be consistent from the Keyser-Miller property to the bypass bridge. On the opposite side of the bridge, there is a area where the

647

shoulder drops off, which will be restored. One of the requirements of PennDot in reviewing this plan is that the access point to the site be relocated forty feet to the north, to permit additional site distance. This will put the driveway approximately on the property line, and there will be one access for the cottage, as well as for the building. Final approval of PennDot is one of the conditions. Additionally, the site is proposed to be serviced by public sewer from Hilltown Township Water and Sewer Authority, and their final approval is necessary for plan approval. This is an area called the Southern District, which is serviced by Hilltown Township Authority. The site is proposed to be serviced by Telford Borough Authority for public water, and their final approval is necessary as well. North Penn Water Authority had suggested that Telford Borough Authority be used for public water, since they are constructing a waterline close by. Supervisor Bennington questioned the proposed sewer line. Mr. Wynn advised a sewer line currently exists, and crosses the road to connect at Keyser-Miller. That line is to be extended in the right-of-way grass area, behind the curb and along the frontage of Keyser-Miller up to the site. This will serve both the new and existing building. Other requirements of the final plan include approval of the Bucks County Conservation District for Erosion and Sedimentation Control measures, and final approval of the Township for the easement that is to be granted by Keyser-Miller to Cheeks, Inc. for connection of the storm sewer into the already existing storm sewer under the Keyser-Miller property. Some minor items include showing the disposition and location of existing septic tank field and well. The well is to be discontinued. Also, a planting schedule, showing the size and species of all the planting material is required. The detention basin berm should be raised to provide 6" of freeboard and finally, an escrow agreement for the public improvements, will be needed. This plan was recommended for approval by the majority of the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant preliminary plan approval based upon the recommendations of the Planning Commission and the Engineering Review letter presented by Mr. Wynn.

Mr. Wynn presented a letter from Bucks County Health Department and Bucks County Planning Commission both mentioning failing septic systems in proximity to the Cheeks Land Development and requesting consideration should be given to correction of these failing systems before any Act 537 Revisions would be granted. Both failing systems are located on the south side of Route 309 and at Cherry Lane and Cherry Road area, where the Hilltown Township Water and Sewer Authority does not have jurisdiction. Mr. Wynn advised the approval of the Act 537 plan would need to be done by resolution.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #90-28, approving Act 537 Plan.

644  
August 27, 1990

Page 6

2. Schade Tract Subdivision - Ms. Laurel Mueller was in attendance to present the plan. Preliminary plan approval was requested for a five (5) lot subdivision. Recommendations by the Planning Commission for waivers such as a 2 1/2 to 1 lot dimension ratio on Lot #4, as well as another request for a waiver that was recommended for street improvements along Rickert Road, such as sidewalks and road widening and curbing. Also, a recommendation for waiving the inventory of 500 foot radius. Mr. Wynn stated the ordinance requires additional information be shown on the plan within 500 feet of the tract. Generally, it is only invoked when there is extension of things, such as curbing, or sewer or water. Ms. Mueller advised they would inventory wells within 100 feet of the sewage system, and that there were none near the outbounds of the property. Discussion took place with Planning Commission regarding revisions to satisfy the requirements for the driveway culverts and for drainage. Erosion and Sedimentation Control plan approval has been obtained from Bucks County Conservation District. An approval letter has been received from Bucks County Health Department, but it is not yet a complete Planning Module approval.

Mr. Wynn advised the buffer proposal is to pull some of the plantings that would normally go along the street and add them internally on the lots, to provide buffer for the sand mounds. The driveways fronting on Rickert Road are proposed to have trench boxes since they all slope down towards the road. The area along Rickert Road has a heavy tree row. An escrow agreement for public improvements and also a note on the plan stating that builders construction shall not conflict, and must comply, with FAA regulations with regards to the glider path, is required. Mr. Jack Fox, Chairman of the Planning Commission commented an airport ordinance will become a part of the newly revised Zoning Ordinance. Supervisor Bennington questioned if Lot #4 was the only lot that was in the landing flight path of the glider port. Mr. John Schade was present and replied that extensive research was done on the flight path of the glider port. According to FAA regulations, no point on any lot in the proposed subdivision that would interfere with the landing glide path, or runway pattern.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant preliminary plan approval for the Schade Tract Subdivision, pending Planning Commission recommendations and Township Engineer's requirements being met.

3. Cefelli Tract - Blooming Glen Road - Subdivision located on Blooming Glen Road. This plan has been before Board of Supervisors requesting waiver on cul-de-sac street length, which was approved, and one waiver was relief from the central water system, which was denied. It is a preliminary plan proposing five building lots. On Lot #1, which fronts on Blooming Glen Road, there is an existing dwelling which has been gutted. There are four new building lots. A flood plain/wetland area exists through Lots #4 and #5. The road is proposed to be curbed and 26 feet in width, with sidewalk on one side. Lots are only fronting on one side due to roadway being built along the

property boundary. On Blooming Glen Road, there is a proposed deceleration lane, and curbing and sidewalk where this deceleration lane is being built. A storm sewer is proposed along Blooming Glen Road and Spring Hill Lane. Lots are proposed to have sand mounds for a septic system and a central water system. The location of the well is immediately beyond the turnaround in the cul-de-sac and the waterline runs in the street. The plan has received preliminary plan approval from the Planning Commission, subject to well testing and approval of the central water system. Certain neighboring wells will be monitored during a 48 hour pump test. Also, the subdivision is subject to approval of PennDot with a proposed access to the site and improvements along Blooming Glen Road. A waiver of a permit from DER is required, where the two wetland crossings of the driveways that service Lot #4 and Lot #5. Approval of Planning Modules by the Township, Bucks County Department of Health and DER, as well as approval of the Erosion and Sedimentation Control Measures by the Bucks County Conservation District, are also needed. The plan proposes one street light at the intersection of Blooming Glen Road and the proposed roadways. In addition, recommendation that a driveway lamp post be provided at each driveway. The name "Spring Hill Lane" is subject to the Board of Supervisors approval. Additional requirements are that the outboundary of the site be monumented prior to plan recordation and certified by a surveyor. Some minor items include some additional distance information, which is missing on one of the easements, a handicap ramp be provided at the intersection of Blooming Glen Road, and finally, an escrow agreement for public improvements.

This plan has been approved by a majority of the Planning Commission. One of the items the Planning Commission requested was that prior to well testing, any additional property owners in the area that requested their wells be tested and monitored, that the applicant would be agreeable. The well that exists on the applicant's property is one that will be tested, and four additional wells on Seven Corner Road, at the crest of the hill, as well as the Andrews property, adjacent to subdivision, will also be monitored. This subdivision is quite far from the Hilltown Township water system. Apparently the Perkasio Borough Authority connection was investigated and found to be too expensive due to some retainment to a developer in East Rockhill under agreement with that Authority.

Supervisor Bennington questioned the distance from the proposed well and the borderline of the Polachek property, since there is a Board of Health regulation that a proposed well must be a certain distance from a boundary line. Mr. Wynn advised there is approximately 30 feet. Solicitor Grabowski stated that Hilltown's own Water Ordinance requires that Hilltown Township's Water and Sewer Authority's specifications be used and there are isolation distances required by the Authority. The intent is at some point in the future, this could be dedicated to a public entity, and therefore, there may be a problem with that proposed well and well house being so close to the boundary line. Solicitor Grabowski questioned the developer as to the reason for picking that particular location for the community

well. The developer responded the end of the cul-de-sac was convenient for having access to the well house by private contractor, or the Authority for maintenance purposes. Their hydrogeologists determined what would be a good spot to drill, although he did not see a problem drilling anywhere on the site. Supervisor Bennington stated his recommendation would be two additional conditions - to determine if the well location would fall within the specified boundary limit and also, to buffer the pump house, since it is at the end of the cul-de-sac, which is the first thing that would be seen driving up the cul-de-sac.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant preliminary plan approval to the Cefelli Tract Subdivision, with recommendations as noted by Mr. Wynn and the Planning Commissions, as well as the two additional comments specified above by Supervisor Bennington.

4. Tollgate Subdivision - This is a preliminary plan, which was recommended for denial unless an extension was received. An extension for 120 days has been received, which was dated August 23, 1990, and would provide for the review of the plan, with an action required not later than January 15, 1991.

Mr. John Leipson, 1211 Telegraph Road, expressed concern along with other neighbors of this proposed subdivision. They are opposed to this subdivision and would like the Board of Supervisor's deny the extension granted by the developer.

Chairman Bennett questioned Mr. Jack Fox, Chairman of the Planning Commission, on the status of this particular subdivision with the Planning Commission. Mr. Fox advised the developer has presented a sketch plan and a preliminary plan for review. There was a problem with some of the specified houses and the developer also had some lots without the ten acre requirements, which the Planning Commission advised could not be done without making application to the Zoning Hearing Board. As of this date, the developer has not applied for a Zoning Hearing Board application.

Ms. June Bitzer, a resident of Telegraph Road, stated neighbors dissatisfaction with the proposed Tollgate Subdivision and questioned whether the concerned neighbors should be present at the Board of Supervisor's meeting to air their views, or should they present their argument to the Planning Commission. Chairman Bennett advised the Board of Supervisors do not take any action until after plans have been reviewed by the Planning Commission

5. Quiet Acres - Status Report - One of the items that was on the Planning Commission agenda was Quiet Acres Act 537 Revision for proposed stream discharge. That Planning Module will be coming before the Board of Supervisor's when submitted, using the new forms. Therefore, the Planning Commission will review it first, along with the Bucks County Planning Commission and the Bucks County Department of Health, and those comments will then be forwarded to the Board of Supervisor for review by the applicant. The Planning Commission has recommended the



Act 537 not be approved, and rather the site would be more appropriate for service by public sewer. The site is in the area within the Telford Borough Authority's jurisdiction and is an area proposed for public sewer. The Telford Borough Authority has contained under reserve, a total of 61 EDU's for the mobile home park. There has been no payment of fees at this point. The applicant's attorney indicated that it was impossible for them to connect to public sewer because they could not attain easement from necessary property owners to extend the public sewer line. At this point, Telford Borough Authority is running out of patience.

Supervisor Bennington commented he had attended the Planning Commission meeting last Monday evening, when the applicant from Quiet Acres was present. Supervisor Bennington sympathizes with the applicant, because trucks have been taking waste out three times a day, with a cost to the owner of Quiet Acres of approximately \$15,000.00 a month. Supervisor Bennington feels the owners of Quiet Acres and his attorney are misrepresenting the best interest of the people that live at Quiet Acres.

At the Executive Session held before this evening's meeting, the Supervisor's discussed what can be done to protect the interests of the people who live at Quiet Acres. The Board of Supervisor's have directed Mr. Wynn to contact Mr. Tobin, the attorney for Quiet Acres, to direct him to secure the 61 EDU's before the end of the month, which is the cut off set by Telford Borough Authority. The Board has directed Mr. Wynn to contact Mr. Liverman of A & T Chevrolet, who also has a failing system, and who could split the cost of a sewer line that would be extended into Quiet Acres, to reduce the price of this extension. The Board of Supervisor's also directed Mr. Wynn to contact Mr. Sickenger, a neighboring property owner, or his attorney, to discuss an easement onto the Quiet Acres property, or, if an easement is not granted, possible condemnation. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to carry out the above proposed plan of action.

Supervisor Bennington stated all avenues that are open should be taken before a package plant would be allowed, since he believes a package plant would ultimately fail and a sewer system would be needed eventually.

Ms. Patricia Leyden, Quiet Acres, stated she is under the impression that the owner of Quiet Acres perhaps does not have the funding to proceed with the sewage system as proposed by the Planning Commission and by the Board of Supervisors. She also commented there is great concern among the residents of this mobile home park as to their fate. Ms. Leyden asked Mr. Wynn for clarification of the projected direction of bringing the proposed sewage system into Quiet Acres. Mr. Wynn explained the proposal.

6. Orchard Station - Waterline trench on Orchard Road was paved August 23, 1990. Paving on Rt. 152 took place today, along the frontage of Sterling Knoll, including the waterline and sewer trench.

7. Bridle Run Subdivision - On Monday, August 20, 1990, a proposed authorization for PP&L to install ten street lights in the Bridle Run Subdivision was received. The Planning Commission had seen a plan with only four street lights specified. PP&L has been contacted and now the authorization is to install four street lights on traditional fixtures, which was discussed at the August 13, 1990 meeting. The cost for this installation will be \$716.76 per year for the lights. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and unanimously approved for installation of four street lights in the Bridle Run Subdivision at a cost of \$716.76 per year.

I. SOLICITOR'S REPORT - Francis X. Grabowski

1. Recycling Ordinance - Advertised Ordinance concerning recycling in Hilltown Township was placed in the News Herald. Copies are on file at the Township Building, at the News Herald and also at Bucks County Law Library. The seven page Ordinance is in furtherance of two state laws - the Solid Waste Management Act and also the Waste Planning Recycling and Waste Reduction Act of 1988. This Ordinance allows for Hilltown Township to pursue a recycling program throughout the Township, with a curbside recycling effort. Essentially, the Ordinance provides for the responsibilities, powers and duties of the Township, to ensure the proper and adequate transportation, collection and storage of municipal waste, specifically clear glass, aluminum and newsprint. According to state law, municipalities are given the opportunity to choose the recyclable items they wish to have subject to the recycling proposal. The Ordinance further goes on to speak about the licensing of trash collectors in Hilltown Township. Collectors will need to apply and receive licenses to collect within the Township. There is also the need, under state law, to distribute public information and an educational program is required to the general public concerning recycling features and requirements. Most of the Ordinance parallels the state's statutes directly on this point. The Ordinance also provides that those who operate a waste landfill, a resource facility, or a trash transfer station within the Township shall have at least one drop off center for those three recyclable materials mentioned. The Ordinance requires an annual report, which must be given to the County, and there are penalties for anyone who do not comply. One thing not contained in the Ordinance and which must be voted on at this meeting, is the effective date of the Ordinance. Normally, ordinances take effect within five days of passage. The Ordinance, as a whole provides a mechanism by which the program is to be implemented.

Solicitor Grabowski asked Mr. Fox and the other members of the Recycling Committee for their comments and input in regard to the Ordinance. Mr. Fox advised the Recycling Committee has done everything necessary to procure a recycling grant from the State. The Township was late getting the grant application into the State, however not so late as to miss the deadline. As of 3:00PM this afternoon, our request had been approved by all the subcommittees in the State level, and after the Labor Day holiday, voting will take place for next month's funding.

August 27, 1990

Page 11

Mr. Fox explained the grant process and all it entails. Monies spent on recycling will be turned into the State and Hilltown Township will be refunded 90%. Under Act 101, an Ordinance is required to begin recycling and must be in place before Hilltown Township would receive any money from the State.

Mr. Bob Gregory, Blue School Road, asked if the drop-off point had been decided and questioned the use of money made available to the Township. Mr. Fox advised due to the amount of money available, Hilltown is not ensured of funding. Alderfer and Frank will be considered the drop-off point for now. Mr. Fox explained the funds will be used for collections, containers, buckets, educational materials, printed material, postage, etc. and could be used for drop-off centers, if approved, although we have had word they will not approve the drop-off center, due to lack of funds this year. Supervisor Bennington requested an explanation of the discrepancy between the original recycling start date and the date now in effect of September, 1991. Mr. Fox stated there were two sets of accounts - the original one in 1980, which stated we have 9,600 people in the Township, and then a later update, which gave us approximately 10,500. The first letter received through the County stated we had to move on it by September 26, 1990. Another letter from DER followed advising we had until September 26, 1991 to get the recycling program into effect. Ms. Buchanan-Gregory asked for clarification, as did the Recycling Committee, and received confirmation stating it would not have to be complete until September 26, 1991.

Mr. Robert Grunmeier questioned what the bins will cost, who would be picking up the cost for them, what collection schedule we will have, and where the recyclables will go. Mr. Fox explained the procedure. Mr. Grunmeier advised a state contract is available to procure cheaper prices on the bins. Mr. Fox stated the six gallon bins, at two bins per household, will be purchased at at \$.14 less per container than what the state contract is. Mr. Grunmeier questioned how the hauler's would be licensed. Chairman Bennett advised that presently, trash haulers in the Township pay a licensing fee per truck, any additional licensing fee for recyclables will have to be discussed by the Supervisors. Chairman Bennett cited the North Penn area, where the trash haulers are not charging resident's to pick up their recyclables. Discussion followed regarding past and present efforts toward recycling in the Township.

Mr. Jim Kelly, South Perkasio Road, stated he felt it was time to stop pointing fingers and bickering, and to look to the future of Hilltown Township, working as a team towards a successful recycling program. Mr. Kelly asked what year Act 101 went into effect. Mr. Fox stated Act 101 was put into effect June 1, 1988. Mr. Kelly commented he is working on a recycling program at this time for Montgomery County, and he has been advised that September 26, 1990 is the deadline that municipalities with populations over 10,000 residents must meet.

654  
August 27, 1990

Page 12

Mr. Bob Gregory, Blue School Road, inquired if the Township receives any type of enumeration from haulers for picking up recyclables, other than the standard licensing fee. Mr. Fox replied that funds will come from Bucks County, not from the haulers. Bucks County will pay the Township "X" number of dollars for recyclables.

Solicitor Grabowski reminded the Board that if adoption of this Ordinance were to take place, an effective date would be required. Supervisor Bennington made a motion to adopt Ordinance #90-5 for Recycling, becoming effective five days after adoption. Motion was seconded by Supervisor Kelly and carried unanimously.

2. Solicitor Grabowski presented a subdivision agreement for the Voyna Subdivision on County Line Road, directly related to Dr. Newman's medical office. Voyna Subdivision is the next parcel being subdivided, with Dr. Newman acquiring one of the newly created lots. The escrow agreement requires certain funds be placed into escrow - the amount being \$3,680.00. Dr. Newman has elected to place that amount of money in direct deposit with the Township, and that check is already on deposit with the Township. Solicitor Grabowski recommends the cash escrow agreement that has been executed by Dr. Newman as of August 17, 1990, be accepted by the Township and the Board be authorized to sign the agreement. Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the Voyna Subdivision.

J. CORRESPONDENCE: Ms. Buchanan-Gregory stated all general correspondence has been placed on file at the Municipal Building.

K. RESIDENT'S COMMENTS: Mr. Robert Grunmeier, 1811 Bethlehem Pike, stated two subpoenas are being served at this meeting, one to Mr. William H. Bennett, Jr. and one to George C. Egly, Jr., to appear at District Court, J. Robert Hunsicker, 80 S. Main Street, Sellersville, Pennsylvania, on the fifth day of September, 1990 at 1:30PM, wherein Barney's Auto Parts is Plaintiff and Hilltown Township is Defendant.

Mr. Grunmeier also requested a review of recorded tapes of the Supervisor's meeting minutes of March 12, 1990, March 26, 1990 and August 13, 1990. Supervisor Bennington stated those tapes could be reviewed in conjunction with a Township employee. Ms. Buchanan-Gregory advised the Board that once official transcript minutes have been adopted by the Board of Supervisor's, that becomes the official document of the meetings. The tapes, at that point, should be disregarded. Motion was made by Supervisor Bennington that since it was the Board's policy in the past to allow residents to review tapes of meetings, it would only be fair to release those three requested meeting tapes for Mr. Grunmeier's review. Supervisor Bennington further motioned that from this point on, once the official transcript minutes have been approved by the Board of Supervisors, they will become the official meeting document, and therefore, the oral tapes will be destroyed. Motion was seconded by Supervisor Kelly and carried unanimously.

6.5.90

L. SUPERVISOR'S COMMENTS - Supervisor Bennington made a motion to move for the filing of a counterclaim against Barney's Auto Parts for the missing wheels of the police vehicles. Motion was seconded by Chairman Bennett and passed. Supervisor Kelly abstained.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to make a contribution of \$250.00 to the Hilltown Women's Soccer Club.

Supervisor Bennington questioned if Mr. John Coleman was appealing the Cease and Desist order by the Board of Supervisors. Ms. Buchanan-Gregory stated Mr. Coleman was appealing the District Judge's decision on the first violation. Solicitor Grabowski advised this was a Justice of the Peace hearing, which Mr. Coleman decided not to attend. The burden would then be upon the Township to file a complaint with Bucks County Court. Hilltown Township has received information that Mr. Coleman, who is the property owner, is pursuing his own action against the tenant, who is actually the person violating the Township ordinance by dumping refuse on the property in question. Solicitor Grabowski informed the Board he will be monitoring that hearing to determine whether Hilltown Township should file a complaint with Bucks County Court. If the District Justice in the Coleman action against the tenant is successful, then Hilltown Township's problem will be solved, if it is not, the Township will still retain the discretion to going to Bucks County Court.

Supervisor Bennington questioned the Haberle property violation in the Zoning/Building Report issued by Mr. Clarence Radcliff. Ms. Buchanan-Gregory has been in contact with Solicitor John Rice, who advised there is an open citation against Mr. Haberle.

Supervisor Bennington asked for an update on the Cheap Skates, Inc. issue. Solicitor John Rice has been advised of the zoning violations, along with the amusement tax violations, that Cheap Skates is currently been operating under. Correspondence has been sent to Cheap Skates, Inc., under Solicitor Rice's signature and we are awaiting comment from the operator of Cheap Skates, Inc. At this time, the Township is determining what the Amusement Tax loss has been, so that loss can be recouped. Solicitor Grabowski advised the Building Inspector/Zoning Officer, Clarence Radcliff, has issued a Stop Work Order concerning the activity in the building, and has also issued a Cease and Desist Order as to zoning violations.

The long running debate in the General Assembly in Pennsylvania over Impact Fees has reached a critical juncture, and Supervisor Bennington stated the House of Representatives is expected to take final action in September on House Bill 1361. Legislation would enable municipalities to charge impact fees on new development. As Chairman of the Planning Commission two years ago, Supervisor Bennington had appeared before a joint session of the House Committee to discuss impact fees, and Mr. Grunmeier has appeared before the State this year, also. Unfortunately, House Bill 1361, in it's current form, is not workable and really unfair to the municipalities. The costly and cumbersome requirements stated in the Bill would far outweigh any benefits

656

August 27, 1990  
Page 14

incurred by imposing impact fees. The State Association of Township Supervisors in Pennsylvania is adamantly opposed to House Bill 1361, and they are working hard to convince Legislators to amend the legislation. Supervisor Bennington made a motion to pass Resolution #90-29 in support of a fair and equitable Impact Fee legislation. The resolution should be typed on Township letterhead, officially adopted, and signed at this meeting. It is critical because the General Assembly meets in mid-September to vote on this issue. Motion was seconded by Supervisor Kelly and carried unanimously to adopt Resolution #90-29 regarding Impact Fees.

M. PRESS CONFERENCE - The Board of Supervisor's answered those questions posed by members of the press.

N. ADJOURNMENT - Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to adjourn the meeting at 10:15PM.

Respectfully Submitted,

*Lynda Seimes*

Lynda Seimes  
Assistant Township Secretary

(\*These minutes were transcribed from tape recordings and notes taken by Acting Township Manager, Ms. Lee Buchanan-Gregory).