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HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

MINUTES OF MEETING

March 12, 1990

This meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:37 p.m. with the Pledge of Allegiance.

Board Members present were as follows:

William H. Bennett, Jr., Chairman
Kenneth Bennington, Vice-Chairman
Betty J. Kelly, Supervisor

Others present were as follows:

Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Donna C. Jacobini, Township Recording Secretary

Chairman Bennett announced that Mr. Singley has been ill and subsequently out of the office. In addition, Mr. Singley's father had recently had surgery and remains critically ill. Mr. Buzby was in the office today, but was strongly advised not to attend tonight's meeting as he was also ill. Mr. Bennett welcomed Donna Jacobini to the Board of Supervisors' Meeting and announced that she would be taking the minutes for the meeting.

A. MINUTES APPROVAL

Mr. Bennington referred to Page 5, Item I(2) of the 02/26/90 Minutes in which he was quoted as "advising that zoning laws will be updated." He emphasized that he made this statement with the intent to mirror the state law in this instance referring to the covering of the vehicles as mentioned by Mr. Walsh. He also referred to Page 6, Item J(2) and added "Mr. Bennington agreed with this recommendation and mentioned that age should not be a deterrent in this case." In addition, he noted that Page 6, Item J(3) should read Mr. Bennington rather than Mr. Bennett. On motion of Mrs. Kelly, seconded by Mr. Bennington, the Minutes of the February 26, 1990 Board of Supervisors' Meeting were approved as corrected.

B. CURRENT BILLING APPROVAL

Mr. Bennington questioned three items on the Bills List; responses were as follows:

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- 1. American Express Corporate Card Account - \$88.71
Notify Mr. Singley
- 2. Simons, Florence (Printing Costs) - \$563.35
Real Estate Tax Forms are a normal expense to the Township.
- 3. Holly Farms Kennels - \$140.00
Boarding Fee for stray dogs.

Mrs. Kelly made a motion that all bills be paid when due. The motion was seconded by Mr. Bennington and unanimously carried by the Board.

C. TREASURER'S REPORT

Mr. Bennett reviewed the Treasurer's Report dated March 9, 1990. Mrs. Kelly made a motion to accept the Treasurer's Report. The motion was seconded by Mr. Bennington and unanimously carried by the Board. (The aforementioned Report is submitted as Exhibit A of these Minutes.)

D. RESIDENT'S COMMENTS ON AGENDA ITEMS

Mr. Bennington suggested that Habitations be permitted to address the Board before other comments are taken.

E. CONFIRMED APPOINTMENTS

1. Mr. Bill Godek questioned Page 2, Item F(1) of the Meeting Minutes of 02/26/90 and asked that the minutes be amended to reflect the fact that the Agreement states "cease operations first and then begin operations at the other plant." This amendment to the minutes was dully noted by Chairman Bennett. Mr. Bennett then deferred to the Haines & Kibblehouse Public Information Meeting scheduled for Thursday, March 15. Mr. Godek, referring to the aforementioned item, questioned the "de-bug" period of "a few weeks" and asked that the minutes be amended to read that this "de-bug" period was the personal opinon of Mr. Bennett and not that of the Township Supervisors. Mr. Godek disputed the legal notice of the H & K Public Information Meeting scheduled for March 15, 1990 to which Mr. Grabowski replied that this particular meeting was not subject to the requirements of the Pennsylvania Sunshine Law as it is an informational meeting only. Mr. John Gerner of the News Herald then addressed the Board and requested that Mr. Bennett read a paragraph cited on page one of the News Herald dated two weeks prior as follows "Bennett said the public would have sufficient opportunity for questions about the quarry at a public hearing set for Thursday, March 15 at 7:30 p.m. in the township building. He said that representatives from H&K would attend the meeting." Further discussion ensued concerning legal notice of the meeting.

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2. Mr. Bryan McAdam of Habitations requested Preliminary Plan Approval explaining that the Planning Commission recommended approval contingent on Mr. Wynn's letter of February 13, 1990. Upon request for questions and/or concerns, Mr. Bennington voiced his concern over the lack of water in Hilltown Township, particularly in the Hilltown Village area. Ms Gay Deemer, from INTEX, the company who prepared the geologic report, introduced herself to the Board. Mr. Bennington asked if they would be willing to back up their report financially. Ms. Deemer did not commit to this request. She went on to explain the varying conditions under which the two studies were performed.

Mr. Hays Ramsey of Hilltown Pike addressed the Board and reviewed a letter he had forwarded to the Township highlighting his concerns regarding this issue. He stated that the tests were performed during high recharge periods which does alter the impact studies. He also stated that he had spoken with John Walker from INTEX who told him that the published results of the study are a "best guess", and requested substantive assurance to the residents if negative results should occur as a result of the project. He mentioned concern with architectural design and street use for deceleration or acceleration lanes. Mr. McAdam explained that acceleration/deceleration lanes are an issue under Penn Dot's jurisdiction. It was stated that the Preliminary Plan approval shows only the deceleration lanes. Mr. Ramsey concluded by expressing his appreciation to Mr. Miley for his consideration and concern for the existing home/land owners.

Mr. Miley addressed the Board and summarized his best efforts on the project. He stated that every prudent avenue had been taken to insure that his subdivision will not have any bearing or impact on the other wells. Mr. Bennington asked if Mr. Miley would be willing to put up an escrow account or line of credit which would be kept on reserve to pay to drill deeper wells in the event that the surrounding wells were affected by his subdivision. Mr. Miley expressed his concern that any well drilled could impact on those wells already in operation and requested that he receive the same treatment as any one else. After additional discussion, he stated that in order to get preliminary approval for the project, he would be willing to look at an escrow figure and a reasonable amount of time for maintenance of said escrow account.

Mr. John Strauss of 1945 Hilltown Pike voiced one additional concern which he held relating to INTEX's study and its reliability. He also suggested that the Board review the exceptions that the Planning Commission cited regarding this subdivision. Mr. Bennington assured him that all such exceptions were being considered.

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Ms. Gay Deemer, of INTEX addressed the credibility of the INTEX organization and the three tested wells which Mr. Strauss questioned and concluded a very limited effect on the surrounding wells. Further discussion ensued for which no solution was found.

Mr. Jack Fox discussed the two water ordinances established in 1986 which were implemented to protect the people. He stated that these ordinances were established before Act 170 which states water is a principle element in the decision of whether or not homes may be built. He stated further that if previous Boards had stuck by the ordinances, many of these problems wouldn't exist as, since 1986, all but one developer was granted relief from the central well system designed to protect the residents. They were permitted to put single wells in. He concluded by saying that it was his hope that the current Board has learned something regarding the protection afforded by ordinances.

Mr. Joe Harmer of 2029 Hilltown Pike agreed with Mr. Fox concerning water. He requested that rights of access be established for the lane directly across from the Habitations site. Mr. Bob Wynn explained that in the new Plan rights of access have been guaranteed and that a 50 ft. wide easement was being provided. Mr. Miley assured Mr. Harmer that he would sign whatever the Township Solicitor recommended in order to protect Mr. Harmer and that he would guarantee Mr. Harmer an opportunity to review said Easement Agreement.

Mr. Wynn went on to explain the conditions of the Planning Commission regarding this development as follows:

1. Improvements along the frontage of the site unless applicant shows they are not feasible.
2. Verification of septic system design.
3. Vertification of sedimentation control by the Bucks County Conservation District
4. Indication of homeowners' responsibility to maintain the retention basin after construction.
5. Provision of an escrow agreement to guarantee all public improvement.
6. Incorporation of engineering details from Mr. Wynn's correspondence into the Final Plan.

Upon all such consideration, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously passed by the Board recommending Preliminary Plan Approval of the Habitations Plan subject to the following conditions:

1. Conditions of the Planning Commission.

2. Community Development - The Township has received notification from Community Development that it will receive \$2,800 which has been allocated for the restoration of the Thomas Musselman Barn. Said funds will be forwarded to the Planning Commission next month.

3. Training School - Mrs. Kelly made a motion, seconded by Mr. Bennington and unanimously approved by the Board authorizing two officers to attend a training class on commercial vehicle inspection at the Montgomery County Fire School for a total \$80.00 expenditure.

4. Used Cars Sealed Bid - Five old police cars will be made available at the Township Maintenance Yard for bid. Anyone interested in purchasing said vehicle(s) is requested to submit their bid by March 21, 1990.

5. Traffic Light at Route 313 and Stump Road - Installation of a traffic light at this intersection is a joint venture between New Britain, Plumstead and Hilltown Townships and was approved some time ago. On motion of Mr. Bennington, seconded by Mr. Kelly, the Board unanimously approved the expenditure of \$7,593 representing one quarter of the total bill for this traffic light.

7. Consortium - The next Consortium Meeting will be held on Thursday, March 15 at 8:30 a.m. in East Rockhill Township. The Consortium is a group of 17 Upper Bucks communities who cooperate in group purchasing.

8. Former Municipal Building and Site - On Wednesday, March 7, Mr. Buzby and Mr. Singley met with Norman Good and John Kratz of Norman Good Plumbing to inspect the heating system and give bids. They also met with Mr. Stone concerning the electrical work in the building which requires immediate attention. Mr. Stone's hourly rate is \$22 per hour and he has agreed to stay under the \$4,000 bidding requirement.

9. Obsolete Equipment - A few desks, chairs, and stoves belonging to the Township will possibly be auctioned off.

10. Recycling - A Public Meeting will be held on Thursday, March 29, 1990 at 7:30 p.m. in the Municipal Building located at 13 West Creamery Road to entertain public input on a recycling program for the Township. Mr. Fox will bring the public up-to-date on the recycling issue and will entertain public comments.

11. Surplus Food Distribution - This meeting is scheduled for March 22, 1990 at the Township Building and is sponsored by the Opportunity Council of Doylestown.

- 2. Compliance of the Easement Agreement with Mr. Harmer's request.
- 3. Determination by the Township Engineer, Solicitor and INTEX of an effective amount of escrow or line of credit plus a number of months that would be finally accepted by the Board of Supervisors prior to final approval.

3. Mr. Joe DelCiotto, architect for BFI, addressed the Board and explained that BFI is presently in the preliminary land development phase with the Planning Commission in its relocation to Hilltown Township. The proposed Plan is comprised of 15 acres adjoining Reliance Road and would provide BFI with office space, warehouse space and a maintenance area.

Mr. Bob Wynn explained that he has submitted his comments on the Plan and that the Planning Commission will be entertaining a motion to deny the present plan pending its extension. Studies justify road widening improvements and an additional lane at the intersection of Reliance Road and Route 309. A traffic light at this intersection remains debatable.

Mr. Bob Milligan, District Manager for BFI explained that BFI is presently the second largest solid waste hauling company in the world with 300 facilities throughout the U.S. The proposed Hilltown facility would simply be a truck housing/maintenance facility not to be confused with a disposal facility. Trucks would be parked and serviced there, with drivers reporting in the a.m and p.m. A container shop would house commercial and industrial refuse containers. In reply to several questions posed by Mr. Bennington, Mr. Milligan stated that the facility would house up to 75 trucks in the future due to increasing recycling demands; that all trucks would be cleaned out as sufficiently as possible at their disposal sites and washed down at the Hilltown facility; and approximately 60 people would be employed at the site. In response to Mr. Grabowski's question, Mr. Milligan stated that the facility would be served by public water and sewer. Additional discussion ensued relative to the installation of a traffic light at the intersection which is under the jurisdiction of PennDot due to the fact that a state highway is involved.

F. MANAGER'S REPORT (Due to Mr. Singley's absence, Chairman Bennett gave the following Manager's Report.

- 1. H & K Meeting - A special public information meeting will be held on Thursday, March 15 in the Township Building at 7:30 p.m. Representatives from Haines & Kibblehouse will be present to address questions from the residents concerning the asphalt plant at the Skunk Hollow Quarry.

G. POLICE CHIEF'S REPORT

Chief George Egly addressed the Board and gave his report for the month of February. His report is attached to the Minutes as Exhibit B. Mr. Bennington questioned the reason for the increased amount of overtime and Chief Egly explained that the OT represented court assignments.

Chairman Bennett took this opportunity to rectify a mistake made in the Township Newsletter which stated that the Police Emergency Number is 453-6014. The correct **Police Emergency Number** is 453-6011.

H. HIGHWAY DEPARTMENT REPORT

Mr. Bennington read this report which is attached to the Minutes as Exhibit C. He explained that a new man for the road crew had recently been hired.

I. ENGINEERING REPORT

Upon recommendation by Mr. Wynn, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to approve a revision to Resolution Act 537 as Resolution #90-7.

Mr. Wynn stated that the Falco Subdivision had received a 90-Day Extension. Upon his recommendation, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to grant an extension to the Hickory Hamlet Subdivision Phase II until June 1, 1990.

Mr. Wynn explained that the Planning Commission is recommending approval of the Kepich Land Development Plan; however, he recommends denial because one of the conditions of Preliminary Plan Approval related to a water resource study has not been met. Upon his recommendation, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to deny this Plan pending receipt of an extension request from the applicant in accordance with the Land Development Decree, Resolution #90-3.

J. SOLICITOR'S REPORT

Mr. Grabowski explained that in September, 1989, Hilltown Township adopted an ordinance which regulated the depositing of industrial waste in accordance with the EPA. However, the EPA has recently re-established certain minimum guidelines for retreatment before the collection system phase. Therefore, it is necessary that the Board of Supervisors adopt a new ordinance according to EPA's revisions. On motion of Mr. Bennington,

seconded by Mrs. Kelly, the Board unanimously adopted Sewer Use Ordinance #90-1.

Mr. Grabowski updated the Board on the status of the Brubaker Two-Lot Subdivision on Route 113. He recommended that the Board accept the Deed of Dedication on the property which establishes a restricted covenant allowing for no further subdivision. On recommendation of Mr. Grabowski, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to adopt Resolution #90-8 accepting the Deed of Dedication for the Brubaker Two-Lot Subdivision. Upon further recommendation by Mr. Grabowski, Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to adopt Resolution #90-9 declaring its public purpose for tax purposes.

Mr. Grabowski explained that due to the Township's steady monthly expenses versus bulk tax collections, the Township routinely experiences a cash flow deficit during the months of March through May. On behalf of the Township, Mr. Grabowski stated that he had investigated a Tax and Revenue Anticipation Note which would provide a short term loan to overcome shortfalls during this cash flow deficit period. Union National is prepared to commit funds on a tax exempt rate of 6.75%. Mr. Grabowski recommended borrowing additional funds at 6.75% and re-investing the funds at 8.3% explaining that if the Township borrowed the \$240,000 allowable by law and re-invested these monies, it could effectively earn enough interest off the excess to pay for the loan and its interest. Mr. Bennington made a motion, seconded by Mrs. Kelly and unanimously approved by the Board to borrow \$240,000 in a short term loan to cover the cash shortfall until tax monies are received. Mr. Grabowski indicated that these funds would probably be available by next week.

RESIDENT'S COMMENTS

Mr. Begley suggested that the Township install a water cooler in the lobby of the building. Chairman Bennett said he would look into it.

Mr. Jack Walsh questioned the lack of sufficient signs around the quarry fence and its general disrepair. Mr. Bennington stated that the Zoning Officer had been stricken with pneumonia; but that upon his return, he would inform him of the above problems.

A discussion ensued with Chief Egly relative to speed limit signs on Hilltown Pike.

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Mr. Robert Grummier questioned the Board and asked when the elected auditors' report for 1989 would become available. Chairman Bennett replied that when private auditors are contracted, no report is elicited from the elected auditors. Mr. Grummier then asked Mrs. Kelly if she was aware that private auditors had been hired to perform an audit. Mrs. Kelly replied that she was unaware of this fact. Chairman Bennett stated that he and Mr. Bennett had authorized the hiring of the firm. Mr. Grummier expressed his discontent and suggested that the Board read Sections 545, 547 and 702 of the Township Code Book. Mr. Bennett made a comment stating that in the auditors' Year End Report, they recommended that an independent audit be performed. Mr. Grummier referenced Section 702 of the Township Code Book.

Paul Groeber of 1506 Keystone Drive addressed the Board about his concern over the alledged business being conducted at 1500 Keystone Drive. He stated that the Cease and Desist Order had expired on Friday, March 9 and yet his wife saw a tow truck on the premises at 9:05 a.m. today. After considerable discussion among the Board members, Mr. Grabowski, Chief Egly and the residents, Mr. Groeber, etal, was advised to meet with the Zoning Officer (upon his return from sick leave) in order to present the Journal Log and the other findings necessary to issue a citation.

John Hatch of 217 Central, owner of 1412 Keystone Drive, stated his concern regarding the crushed pipe in the driveway which serves as a right of way for five (5) residents. He requested a reply as to whose responsibility is was to repair said roadway stating that, in his opinion, the damage was due to tow trucks, flatbeds and tractors utilizing the road. Mr. Bennett stated that he would have the Roadmaster come out for an inspection upon his return from sick leave. Mr. Hatch then asked to see a copy of a building permit for renovations done at 1500 Keystone Drive. Mr. Bennett replied that he did not get one as he didn't think it was necessary. Mr. Wynn stated that a building permit is not required unless structural changes are made to the building. Mr. Bennett said he would look into it.

K. SUPERVISOR'S COMMENTS

Mr. Bennington expressed his concern regarding the proposed Peddling and Solicitation Ordinance and its applicability to Girl and Boy Scouts, etc. Mr. Grabowski responded that, although inconvenient, registration would be required for everyone and that, in the long run, would probably prove beneficial to Scouts, etc.

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Mr. Bennington wished to clarify a statement he had made concerning no parking on one side of the Pleasant Meadows development. He stated that he did not mean to imply that this parking restriction be enforced throughout the development, but rather on Pleasant Spring Lane only. Some discussion ensued relative to the declaration of a Snow Emergency Route.

On motion of Mr. Bennington, seconded by Mrs. Kelly and unanimously approved by the Board, approval was granted to all Hilltown Township Volunteer Fire Company Fire Police candidates. All candidates will be sworn in by Police Chief Egly.

Mr. Bennett announced the scheduling of the first semi-annual road inspection for the calendar year 1990 for Saturday, April 28 at 9:00 a.m.

L. PRESS COMMENTS

Mr. Gerner of the News Herald requested verification of the following:

1. March 29 Recycling Meeting will entertain public comment.
2. March 15 H&K Public Information Meeting will be an open format meeting with no attorneys present.

M. ADJOURNMENT

There being no further business to come before the Board, Chairman Bennett made a motion, seconded by Mr. Bennington to adjourn this meeting of the Hilltown Township Board of Supervisors at 10:30 p.m.

Respectfully submitted,



Donna C. Jacobini
Hilltown Township Recording Secretary