

HILLTOWN TOWNSHIP
SUPERVISORS' MEETING
March 14, 1988

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Robert H. Grunmeier at 7:30 P.M.

Chairman Grunmeier requested a moment of silence for Titus (Bud) Moyer, retired Tax Collector and State Representative Benjamin (Ben) Wilson, both of whom passed away recently.

Members present were: Robert H. Grunmeier, Chairman
Betty J. Kelly, Vice Chairperson
William H. Bennett, Supervisor

Others present were: James H. Singley, Twp. Manager
Gloria G. Neiman, Twp. Secretary
Francis X. Grabowski, Twp. Solicitor
C. Robert Wynn, Township Engineer
Det. William Leyden
Thomas Buzby, Roadmaster

A. APPROVAL OF MINUTES: Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to approve the minutes of the 2/22/88 Supervisors' meeting as written. Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to approve the minutes of the 2/15/88 Work Session (between the P.C. and Supervisors) as written.

B. ACCOUNTS PAYABLE: Current billing in the amount of \$26,537.09 was approved by the Board. Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to pay bills when due. Mr. Bennett suggested that, in the future, the bills be itemized indicating type of purchase or use.

C. TREASURER'S REPORT: The report dated March 1988 was read by Mr. Singley; same is on file at the Township office. Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to approve the report as given, subject to audit.

D. CONFIRMED APPOINTMENTS:

1. B.I.U. - Mr. Russell McLaughlin was present to request that the Board allow his company to follow up and finish inspections on existing permits. He stated that his company has been building inspector for the township for 2½ years (another firm was appointed as of 1/1/88). Mr. McLaughlin stated that the transition between two inspectors of different companies could cause some missed inspections. Chairman Grunmeier asked if permits were issued separately or for the entire building; Mr. McLaughlin stated that a permit is issued for the entire building but separate inspections are made periodically. There followed discussion between Mr. McLaughlin and Chairman Grunmeier regarding the various inspections that are made. Mr. McLaughlin stated that his main concern is with professional liability insurance and that he does not want his company to be liable for error or omissions made by the current

inspectors. In answer to Mr. Bennett's question, Mr. McLaughlin stated that there are between 125 and 135 outstanding permits (mostly from 1987). Chairman Grunmeier asked if a list of these permits has been submitted to the Township as promised; Mr. McLaughlin indicated it has not. In answer to Chairman Grunmeier's question, Mr. McLaughlin stated that he owns three companies, Building Inspection Underwriters (BIU); Burns, Inc.; and Mid-Atlantic. Chairman Grunmeier stated that he could see no reason for the delay in submission of the requested list of permits and why it would take over 30 days for a transition period. Mr. Bennett questioned current inspection company's insurance; Mr. Singley answered that they have \$2,000,000 General Liability Insurance. Mr. McLaughlin stated that General Liability excludes Errors and Omissions (which is available only on Professional Liability policies). Chairman Grunmeier asked if the Township is named on BIU's policy; Mr. McLaughlin answered that it is not (that anyone having a contract with his company would be covered). At the request of the Supervisors, Mr. John Snyder stated he would investigate availability of Professional Liability Insurance and cost of same. The Supervisors were in agreement to direct BIU to issue a list of outstanding permits (within 2 days) and that BIU's Building Inspector should cease all inspections within Hilltown Township.

7:57 P.M. - Regular meeting adjourned.

8:00 P.M. - Advertised hearing for proposed change in Hilltown Township Zoning Ordinance, relating to utilities, industrial uses, etc.

Chairman Grunmeier announced that a joint work session was held with the PC and Supervisors on 2/15/88 regarding this proposed change and that many suggestions were made at that time. He stated that, in his opinion, airports and private landing fields should be incorporated in a separate ordinance and should be deleted from this ordinance. Further, he stated that this ordinance should be returned to the Solicitor to incorporate PC's comments. Supervisors Kelly and Bennett agreed that airports should not be included in this ordinance.

Public Comment:

1. Tom O'Boyle (Reliance Road) voiced his concern over trash to steam plants and stated that they are hazardous to the health and safety of residents and should not be allowed in Hilltown Township. He stated that the proposed ordinance should be as restrictive as possible. The Board agreed to allow Mr. O'Boyle a copy of the 2/15/88 work session minutes for his review.
2. Frank Beck, 514 Keystone Drive, also requested a copy of the work session minutes; the Board agreed to this request.
3. Mr. Grabowski requested direction from the Board - whether to approve, deny, or return the proposed ordinance for further input and drafting of a revised ordinance. Motion was made by Mr. Bennett, seconded by Mrs. Kelly and carried unanimously to delay any decisions until further study has been made and, possibly, public hearings are held.

8:15 P.M. - Hearing adjourned; regular meeting resumed.

CONFIRMED APPOINTMENTS (continued):

2. Arthur Altemose, the architect representing Viking Properties, was present to discuss his client's proposal of development on Old Bethlehem Pike, 1/4 mile north of Rt. 113 (property formerly owned by Robert Reep). Mr. Altemose presented a drawing representing the original land development approved by the Supervisors in '84. Viking Properties has purchased all adjoining properties previously subdivided and plans to increase size of building on the front of the parcel to 18,800 s.f.; building depth to be increased from 75' to 80'. Present building is designed on a single level; previous plan was approved for 3 levels. Mr. Wynn explained that the client proposes an industrial condominium (allowed in the PI District) for Uses G-4, G-7 and G-8 (craft shops, light industrial). Current plan has changed size and width of building and parking has been pushed to the rear property line. Mr. Wynn indicated that items of concern with new plan are: 1) current building size; 2) reduction in parking spaces from 71 to 54; 3) encroachment on property line; and 4) new grading plan required. The Board discussed requirement of parking spaces and need to re-submit to PennDOT for deacceleration lane (former approval voided due to time frame), and to Telford Borough Authority for water and sewer service. Chairman Grunmeier suggested that all requirements of '84 would be met if the applicant agrees to revert to originally approved building area. Mr. Altemose stated that, if necessary, his client would shorten depth of building to original dimension; however, they would like to keep the building on one level. Mr. Wynn advised that the original plan was approved in '84 and under Act 247 the applicant has 5 years to accomplish all requirements of that approval, but that the current plan proposes changes not shown on the original. Mr. Bennett stated that he would like to see the proposed plan returned to the PC, since changes are proposed; the Board concurred.

3. Marcus Saitschenko was present to request preliminary plan approval for the Calhoun Subdivision. Per PC's request, plan has been revised from 80 lots originally proposed in '86 to 45 lots. PC recommended approval subject to conditions listed by Township Engineer. Kenneth Bennington, Chairman of PC, indicated the main concern of PC are fencing and trees to protect adjoining property of John Snyder. Chairman Grunmeier questioned the hazardous condition on Mr. Snyder's property and asked why the applicant should be required to take care of a hazardous condition on an adjoining property. He stated, "If a hazardous condition exists on a private property, it is up to the property owner to have it rectified, not up to the developer". Chairman Grunmeier indicated that his only fault with the plan is Item #7, requirement of a chain link fence and tree plantings proposed on adjoining private property. Motion was made by Mrs. Kelly to grant preliminary plan approval to the Calhoun Subdivision, subject to conditions of Township Engineer's letter of 2/23/88 - with the exception of Item #7 which is to be deleted; motion seconded by Chairman Grunmeier; Mr. Bennett questioned deletion of fence requirement and abstained from voting.

Motion passed 2:0. Motion was made by Mrs. Kelly to send Clarence Myers, Zoning Officer, to John Snyder's property to investigate the hazardous condition regarding his pond and well for violation of Township Ordinances; motion seconded by Mr. Bennett and carried unanimously. The Park & Recreation Board will also be asked to view open space prior to a decision whether to accept as municipal use open space or require a homeowner's association. Mr. Wynn will contact Scott Tagg.

4. Chris Schubert was present to discuss HTWSA's condemnation of 8 acres of open space on the Caroline Bergen Subdivision, for use of the new Township Building. Two lot lines have been eliminated and additional open space created with no significant changes. Open space is proposed to be deed restricted but would be donated to the Township for municipal use or maintained through a homeowner's association as required Supervisors indicated private deed restriction is not acceptable. Regarding whether this should be considered a revised final plan or a new preliminary plan, the PC was divided 3:3. Motion was made by Mrs. Kelly to consider this a revised final plan when formally submitted; motion seconded by Chairman Grunmeier. Mr. Bennett stated he was opposed and felt the plan should go back before the Township PC as a preliminary plan.

Public Comment:

1) Mr. John Bolger, Rt. 152, questioned total acreage of the property and total open space offered. Mr. Wynn explained open space requirements and stated that 32.43 acres of open space has been offered, with a base site area of 58 acres (advising that the conceptual drawings before the Board tonight have not been reviewed to the extent that open space areas have been verified). Mr. Bolger questioned why open space could not be contiguous; Mr. Schubert explained location of parcels. Mr. Frank Beck, a member of the HTWSA, explained that the open space lots are large enough for parks and ball fields and would be close to the new Township Building.

2) Tim Browning, Rt. 152, Hilltown, questioned pages 1 and 2 of the plan (barn, shed and septic system) and cited Page 27 of the Subdivision and Land Development Ordinance, Section 303.7. Mr. Browning is one of the litigants bringing suit against the Township on this development.

3) Jack Fox, Hilltown Pike, clarified split vote by the PC, stating that site capacity calculations were changed and this is the reason 3 members asked for resubmission as a preliminary plan.

4) Ivan Jurin, Route 152, Perkasio, stated the plan does not follow the Hilltown Township Comprehensive Plan and does not meet open space requirements. Mr. Jurin is also a litigant bringing suit against the Township on this development.

At this time a vote was taken: Chairman Grunmeier and Mrs. Kelly voted aye; Mr. Bennett opposed. Motion carried 2:1. Plan should be submitted as a revised final plan for review.

E. MANAGER'S REPORT:

Old Business:

1) Consortium - A meeting was held on 2/29/88 in Quakertown with good response. Next meeting will be held on 3/23/88 at 9:00 A.M. in Quakertown.

New Business:

1) Resignation of Police Clerk - Ms. Susan Kell has resigned her position as police clerk/secretary. Position has been advertised; Mr. Singley expects interviews to take place the end of this month.

2) Rules & Regulations, Police Department - Tabled for further review until 3/28/88.

3) Road Inspection - Semi-annual road inspection will be held on Saturday, April 23, 1988 at 9:00 A.M.

4) Local Government Week - April 10 to April 16, 1988: Letters have been sent to three schools, requesting times for visitation.

5) Complaints regarding litter - Roadmaster and Township Manager will investigate.

6) Cable T.V. - Correspondence received from West Rockhill Township regarding a meeting to be held on 3/31/88 concerning Suburban Cable T.V. Mrs. Kelly indicated she would attend as delegate; Chairman Grunmeier, Mr. Bennett and Mr. Singley also will attend.

7) Building Inspections/Occupancy Permits - Mr. Singley stated that many requests have been received for occupancy permits and letters of compliance for existing dwellings. At present time, there is nothing on books to allow issuance of U & O's for existing dwellings or for correction of violations which may exist. The Board approved Mr. Singley's suggestion that he meet with Mr. Grabowski to discuss this matter.

Chairman Grunmeier had the following questions:

1) Zoning Update RFP's - Mr. Singley indicated they would be advertised this weekend.

2) Act 97 Plan - Mr. Singley will file with the County a request for grant money to assist in formulating an ordinance.

F. POLICE REPORT: Due to a prior commitment, Chief Egly was unable to attend this meeting. Detective Leyden read the report dated February 1988. Regarding Tenant Ordinance, Chairman Grunmeier asked that police report any tenants/renters to the Zoning Officer or Township Manager.

G. PUBLIC WORK'S REPORT: The report dated 1/31 through 2/27/88 was read by Roadmaster Thomas Buzby. Chairman Grunmeier questioned screens for drainage pipes in Pleasant Meadows; Mr. Buzby stated that he has spoken with parties but area is still too wet.

9:30 P.M. - Meeting recessed.

9:42 P.M. - Meeting called to order.

H. PLANNING:

1. 209 Realty Subdivision, Rt. 152, Silverdale - P.C. recommended plan be approved subject to: 1) Execution of escrow agreement for improvements along Rt. 152; 2) Verification of HTWSA water and sewer; 3) Receipt of capital contribution for off site improvements (\$550 per lot); 4) Dedication of roadway, rights-of-way and dedication of open space to Township; 5) Verification of approval of easement from adjoining property owner for discharge of retention basin #2; and 6) Final approval of PennDOT. This subdivision will connect to Sterling Knoll and Hassan developments; all roads will be made the same width to conform to Township standards. Motion was made by Mr. Bennett, seconded by Mrs. Kelly to grant final plan approval to the 209 Realty Subdivision with stipulations as discussed.

Public Comment:

In answer to Mrs. Toni McMillan's question, Mr. Grabowski stated that the Township can enforce violations of building codes; however, they have no authority to prevent a developer from building in the Township. Chairman Grunmeier stated that, in fairness to Mr. Garis, he has questioned other municipalities and has been told that Mr. Garis is a very reputable builder. In answer to another resident's question, Mr. Wynn advised that all streets will be 32' in width and that Mr. Garis has agreed to increase street width in Silverdale Borough to conform to Township standards. Mr. John Bolger questioned open space of the three developments; Mr. Wynn advised that the roads and open space of the Garis and Hassan developments in Hilltown Township are connecting.

Following public comment, a vote was taken and motion carried unanimously.

Regarding box culvert in the Pleasant Meadows' subdivision, Mr. Wynn stated that the Township has requested the developer to construct a 6 foot high chain link fence to secure the box and open trench; Mr. Garis stated he would check into this and advise status Tuesday, 3/15/88.

2. Replogle III Subdivision, Harvest Lane & Blooming Glen Road - resubdivision of one large lot into 2 small lots. Plan received variance approval of front yard width from Zoning Hearing Board. Outstanding items: 1) Escrow agreement to provide for construction of roadway and sidewalk improvements; 2) Verification of final approval from HTWSA for water and sewer; 3) Site capacity calculations must be corrected to indicate Phase 3 only. Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to grant final plan approval to the Replogle III Subdivision with stipulations listed in Township Engineer's letter of 2/17/88.

3) Moylan Spray Irrigation Applications - At PC meeting, developer's engineer (Strothers) agreed to comply with all but two of conditions: 1) minimum setbacks and 2) size of storage facility. PC recommended Township not consider relief from any requirements of the Spray Irrigation Ordinance. Motion was made by Mr. Bennett, seconded by Mrs. Kelly and carried unanimously to deny the Act 537 Plan Revision of Moylan for spray irrigation systems on the advise of the Hilltown Township Planning Commission.

4) Brick's Villa Subdivision - 50,000 s.f., 51 unit subdivision located on Rt. 113, Diamond Street and Schultz Road. BCPC's review recommended a cluster subdivision be considered. Concerns of HTPC: 1) extension of sewers; 2) roadways do not conform to Township requirements; 3) curb and sidewalk requirement; 4) stormwater collection; 5) wetland involvement. PC has asked for input from the Supervisors. PC action is required at the next meeting.

5) Nob Hill Subdivision, Phase III, Perkasio Borough: Majority of subdivision is within Perkasio Borough, with exception of Lots #8 and #9 (in Hilltown). Plan proposes new street turnaround area located in HT; street does not conform to HT specifications. The Board directed Mr. Singley to contact Perkasio Borough for discussion of whether the Borough will agree to maintain the turnaround area.

6) Opdyke - Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to accept a 60 day extension for the Hilltown Business Center Subdivision on Spur Road.

I. ENGINEERING:

1) Route 113/Diamond Street Traffic Signal - Mr. Wynn reported that warrants have been met with exception of traffic speed. PennDOT will do a speed check and advise.

2) Ordinance to Amend BOCA Code - to amend BOCA Building Code requirements for erosion and sedimentation control, requiring grading and as-built plans, and first floor certification. Mr. Wynn recommended this ordinance be considered for adoption in light of concerns regarding sump pump drainage and on-lot grading problems within the Township. Motion was made by Mr. Bennett, seconded by Mrs. Kelly and carried unanimously to propose the staff review and advertise this ordinance for possible adoption.

3) Chairman Grunmeier suggested the Roadmaster and Township Engineer investigate backfilling of sewer lines to assure that it is done correctly. Mr. Frank Beck, a member of the HTWSA, assured the Board this would be accomplished by HTWSA satisfactorily in the future.

J. SOLICITOR'S REPORT:

1) Mr. Grabowski reported that there was a staff conference prior to tonight's meeting at 6:00 P.M.; an executive work session was also held for discussion of a personnel matter.

2) Development agreements have been executed for Long View Estates Subdivision (Gary Phinney). Motion was made by Mr. Bennett, seconded by Mrs. Kelly and carried unanimously to authorize execution of developer's agreement and security agreement for the Long View Estates Subdivision. Mr. Grabowski will advise when liens may be released.

3) Eileen Lauer Subdivision - Motion was made by Mrs. Kelly, seconded by Mr. Bennett and carried unanimously to adopt Resolution #88-11, Acceptance of Deed of Dedication; and Resolution #88-12, Declaration of Public Purpose for the Eileen Lauer Subdivision (the original dedication was incorrectly filed at the Courthouse).

4) Abrams Retirement Village, Old 309 & Central Avenue: Dr. Abrams has entered an appeal to the Zoning Hearing Board decision. Mr. Grabowski will forward information to Supervisors regarding this appeal.

5) In response to the Supervisors' request for a member of the HTWSA to attend Supervisors' meetings, Mr. Grabowski introduced Mr. Frank Beck, Secretary of the HTWSA.

K. PUBLIC COMMENT:

1) Ken Bennington requested that the Zoning Officer investigate a situation at Rt. 152 and Shirley Lane (trench for underground utilities). Mr. Singley indicated that this is already being pursued by the Zoning Officer.

2) Frank Beck requested Township Engineer send a letter to the Authority Engineer listing concerns regarding backfill of trenches in Township roadways.

3) John Bolger questioned selling of water by HTWSA, and was told there are instances where water authorities sell water because of pumping.

4) In answer to Mr. Godek's question regarding a water study for the Quarry area, Mr. Singley replied nothing has been formulated to date. Mr. Godek also asked to view Township records. Chairman Grunmeier stated that most municipalities require 2 to 3 days notice. Mr. Singley replied that Mr. Godek could view records during normal business hours.

L. CORRESPONDENCE:

1) Fire reports received from Telford, Dublin and Perkasio Fire Companies.

2) Township has received one application for PEMA Coordinator position.

3) Hilltown Township has received honorary mention from BCATO for the Newsletter publication.

M. SUPERVISOR'S COMMENTS:

1) Mrs. Kelly announced that the Township will hold an Open House on Saturday, April 16, 1988 from Noon to 3:00 P.M. She asked that everyone attend and bring a friend.

2) Mrs. Kelly will attend a Solid Waste meeting on Thursday, March 17th.

3) Mr. Bennett requested clarification from Mr. Godek regarding Quarry water study. Mr. Godek indicated this was to be a separate study for the Quarry alone.

4) Chairman Grunmeier stated that he received a copy of the Liquid Fuels '86 Audit from the Attorney General's office and all is in order. (Copy of report is on file at the Township Building)

5) Chairman Grunmeier attended a Tri-County Meeting between Chester, Montgomery and Bucks Counties; information will be forwarded to the Supervisors for review prior to the State Convention.

6) Chairman Grunmeier indicated he received a letter from the County of Bucks regarding Emergency Services Training Centers - one day Fire Department Liability seminar to be held April 10, 1988 at 9:00 A.M. at the Bucks County Community College (fee is \$40/person).

N. PRESS CONFERENCE: A conference was held to answer any questions or concerns of those reporters present.

There being no further business, a motion of adjournment was made by Mrs. Kelly at 10:44 P.M.

Respectfully submitted,



Gloria G. Neiman
Township Secretary