

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, July 29, 1996
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:45PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to discuss legal matters. Further, the Supervisors met with the Township Manager on Saturday, July 20, 1996 to discuss labor negotiations.

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated July 23, 1996, with General Fund payments in the amount of \$105,108.01; State Highway Aid payments in the amount of \$6,630.31; and Escrow Fund payments in the amount of \$440.88; for a grand total of all funds in the amount of \$112,089.20.

Supervisor Fox questioned the bill from Richter Drafting in the amount of \$559.30 for the purchase of a shredder. Chief Egly explained that shredder is being purchased for the Police Department to replace a broken shredder. Supervisor Fox questioned three bills from Pipe and Precast in amounts of \$2,175.00, \$3,901.60, and \$3,974.00. Mr. Horrocks replied two of those bills are for the Cherry Lane stormsewer construction project, and one of those bills is for the stormsewer construction to take place here at the Township Building site.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated July 23, 1996, subject to audit.

B. APPROVAL OF MINUTES:

Action on the minutes of the June 24, 1996 Board of Supervisors Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 24, 1996 Board of Supervisors meeting, as written.

Action on the minutes of the July 8, 1996 Board of Supervisors Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 8, 1996 Worksession Meeting, as written.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks - Mr. Horrocks presented the Treasurer's Report, with the following balances as of July 29, 1996:

General Fund Checking Account	\$ 98,932.70
Payroll Checking Account	\$ 328.25
Fire Fund Checking Account	\$ 83,468.28
Debt Service Checking Account	\$ 119,357.27
State Highway Aid Checking Account	\$ 101,946.91
Escrow Fund Checking Account	\$ 127,717.73

Mr. Horrocks supplied the Board with a six month financial review for the years 1991 through 1996, highlighting some of the accounts and how they compare over the years. This report basically advises that revenues increased further than expenditures for the first six months of this year.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, subject to audit.

D. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Strothers Associates - Dean's Harley Davidson - Ms. Cheryleen Strothers was in attendance to present the plan for Dean's Harley Davidson. Ms. Strothers advised the applicant had appeared before the Planning Commission last week seeking approval for their land development submission to construct an addition to increase their showroom area. The applicant has gone before the Zoning Hearing Board and received a variance for this addition, however a few items were discovered during the process of the survey of the land development plan which has presented a slight conflict between what was presented to the Zoning Hearing Board, and what is actually shown on the plan. The primary issue is the parking situation. At the Zoning Hearing, it was stated by the applicant that at times, there have been up to 20 vehicles parked on the site. Ms. Strothers noted that statement was interpreted to mean there are 20 parking spaces on the site. When applying the current Ordinance requirements to the site for the existing parking area, Ms. Strothers advised there are 11 parking spaces. The proposed addition is to expand the size of the showroom, however there will be no increase of employees. From conversations with Mr. Dean, Ms. Strothers understands he does not anticipate increased customer usage simply because he is only allotted a certain number of motorcycles per year to sell. Mr. Dean has signed a parking agreement with the neighboring property, Angler Pro Shop, allowing him use of seven parking spaces for his employees during normal business hours. Ms. Strothers presented

a copy of the parking agreement signed by both parties.

Supervisor Fox explained the Zoning Hearing Board granted the applicant a variance with no specific number of parking spaces. The applicant also sought a variance to infringe even more into the sideyard. Supervisor Fox stated the property is non-conforming at present, and this proposal would be increasing the non-conformity. When the applicant appeared before the Planning Commission last year, it was suggested that they attempt to make parking arrangements with neighboring property owners, which they have apparently done. Supervisor Fox advised there is also a dwelling on the property, and 2 of those 11 available parking spaces must be for parking at the dwelling. Therefore, Supervisor Fox noted, there are only 9 parking spaces for customers, assuming the employees park in the 7 parking spaces on the neighboring property. Supervisor Fox believes Dean's Harley Davidson has been an asset to the Township, however the issue of parking must be addressed and resolved. The Planning Commission felt there should be clarification from the Zoning Hearing Board, without requiring the applicant to go through the entire submission process and without paying the fees involved. Supervisor Fox suggested the applicant go to the Zoning Hearing Board on an evening when there is another scheduled hearing, to get a more exact determination concerning parking on this site.

Supervisor Bennington asked how many parking spaces the applicant can use on the neighboring property. Ms. Strothers replied the applicant has an agreement to use 7 parking spaces on the Angler Pro Shop's parking lot. Ms. Strothers believes the applicant presently has five employees.

Mr. John Snyder, a member of the Zoning Hearing Board, was in attendance. When the applicant appeared before the Zoning Hearing Board, they had the incorrect section of the Zoning Ordinance noted on their application. Mr. Snyder explained the hearing was actually half over before it was determined that the applicant actually needed a variance due to a non-conforming side and rear yard. The issue of parking was not even addressed by the applicant. As Mr. Snyder recalls, a member of the Zoning Hearing Board had asked the applicant how many parking spaces were on the site. It is the policy of the Zoning Hearing Board to rule on what is presented before them. Mr. Snyder presented a copy of the plan that had appeared before the Zoning Hearing Board, which clearly does not define any parking spaces on the site. Mr. Snyder advised the applicant was never directed by the Zoning Officer as to what sections of the Ordinance they were appealing. The only issue addressed by the Zoning Hearing Board for the Dean's Harley Davidson plan was a non-conforming use for the side and rear yards. Supervisor Bennington agreed with Supervisor Fox that the applicant must obtain a more clear determination by the Zoning Hearing Board

concerning the parking issue.

Supervisor Fox stated the Ordinance actually requires this site to provide 77 parking spaces. Mr. Snyder read a portion of the Zoning Hearing Board decision for Dean's Harley Davidson, which states "Applicant testified that there were approximately 20 parking spaces for customers and maintained on the subject property. G. Frank Dean Jr. testified that he presently is negotiating with an adjoining commercial property owner to provide additional parking spaces for use of his employees." Mr. Snyder noted the Zoning Hearing Board only references Section 601, and does not address the issue of parking in the actual decision that was rendered. Mr. Snyder agrees that the applicant should not be required to pay the \$1,500.00 fee for the Zoning Hearing Board, since they were originally sent by the Zoning Officer for an incorrect section of the Ordinance. Mr. Snyder feels the Zoning Officer should have provided more accurate direction to applicants of the Zoning Hearing Board. Discussion took place concerning scheduling of the Zoning Hearing Board.

Mr. Horrocks suggested the applicant grant the Township a 90 day extension, and if a hearing is scheduled within that time period, the applicant may attend, without paying a fee, for a determination on the parking issue.

Supervisor Fox stated this is one of the problems with applicants going to the Zoning Hearing Board before the plan is reviewed by the engineer and by the Township. The Zoning Hearing Board must take, as fact, whatever the applicant provides. Chairman Bennett agreed with Mr. Horrocks' suggestion that the Zoning Hearing Board fee for Dean's Harley Davidson be waived. Supervisor Bennington also feels the fee should be waived. Mr. Horrocks noted the fee should be waived if the applicant can come in on a night where the Zoning Hearing Board is scheduled for a hearing. Otherwise, if the applicant can provide a 90 day grant of extension, and if either of these two scenarios do not transpire, the applicant will have to pay the fee. Rather than submitting a new application, Mr. Snyder suggested that the original Dean's Harley Davidson application be reopened for an additional hearing, at half price.

Supervisor Bennington agreed with Supervisor Fox that many applicants to the Zoning Hearing Board are going there prematurely, without applications being reviewed. Mr. Snyder agreed. Mr. Horrocks advised this matter has been addressed by Township administration. Mr. Horrocks, as the temporary Zoning Officer, is reviewing Zoning Hearing Board applications more thoroughly than was done by the previous Zoning Officer.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the Zoning Hearing Board fee

for Dean's Harley Davidson, if the applicant can "piggyback" on a scheduled zoning hearing; and if that can not be accomplished within the 90 day extension time frame, the applicant can have an additional zoning hearing, at half price.

Ms. Strothers advised there is another problem with the same project, concerning the existing on-site sewer system. It is Mr. Dean's desire to install a holding tank on the site, because the existing sewer system is located beneath the building. This system is not currently malfunctioning, however the applicant feels the location of the system is inappropriate as it exists. Ms. Strothers asked if the Board of Supervisor's approval is needed to connect the business and the dwelling to the holding tank prior to contacting the Bucks County Health Department and D.E.P.. Mr. Wynn asked if there are public restrooms on the site. Ms. Strothers believes the restrooms are open to the public. Mr. Wynn advised Hilltown Township has a provision for a permanent holding tank for less than 450 gallons per day. Therefore, if the applicant would remove the public restrooms, it would fall under the Township's Ordinance requirements, and the Bucks County Health Department's requirements for a permanent holding. Connecting the residence to a holding tank is not permitted, unless there is a failed system. Ms. Strothers stated the situation will be evaluated further. Supervisor Fox asked how far the site is from Franconia public sewer lines at Township Line Road. Ms. Strothers replied the sewer lines run down Township Road but stops short of Bethlehem Pike. Ms. Strothers believes there is 290 ft. from the site to the intersection of Township Line Road.

F. PUBLIC HEARING - Chairman Bennett adjourned the regularly scheduled Board of Supervisors Meeting at 8:17PM and entered into a Public Hearing to consider the adoption of an Ordinance (repealing Ordinance #95-4) regulating and restricting outdoor fires, known as the Hilltown Township Burning Ordinance. Chairman Bennett noted the only revision to the Ordinance is notification procedures. In the past, residents were to advise their local fire chief of an open burn, however this revision requires notification to the Hilltown Township Police Department instead.

Mr. John Snyder noted a typographical error on page 4, fourth full paragraph, second sentence should read "In the **event** any fire company is required to respond to a fire which violates the provisions of this Ordinance, a service fee may be levied by the responding fire company."

Mr. Horrocks noted the Fire Prevention Bureau unanimously recommends this change.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #96-1, the Hilltown**

Township Burning Ordinance, (repealing Ordinance #95-4), regulating and restricting outdoor fires.

The Public Hearing was adjourned at 8:21PM and the regularly scheduled Board of Supervisors meeting of July 29, 1996 was reconvened at 8:21PM.

G. MANAGER'S REPORT - Mr. Bruce G. Horrocks -

1. Mr. Horrocks presented the five proposals received for Bid #96-4, for repair of the Hartzel-Strassburger Homestead. Confirmation has been sent to the County and the Department of Community Development, notifying them that Hilltown Township does not maintain ownership of either the property or the project; and that the president of the Hilltown Historical Society is the Construction and Project Manager of the project.

The low bid was submitted by Masonry Preservation Group, Inc. of Merchantville, New Jersey, in the amount of \$24,800.00. It is the recommendation of the Construction and Project Manager that the bid be awarded to Masonry Preservation Group, Inc.. Mr. Horrocks recommended that the same letter sent to Community Development and Bucks County advising of ownership of the property and project also be forwarded to Masonry Preservation Group, with an acknowledgement being returned to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid in the amount of \$24,800.00 from Masonry Preservation Group, Inc. for Bid #96-4 for the repair of the Hartzel-Strassburger Homestead, with a letter being sent to the winning bidder, advising that the site and the project is owned by the Hilltown Historical Society.

2. Mr. Horrocks presented two proposals for Bid #96-5 for roadwork. The bids were as follows:

M & M Stone.....\$106,828.48
Blooming Glen Contractors.....\$114,389.00

This project is also covered by Community Development Block Grant funds, however the lowest bid as received, represents a shortfall from these funds in the amount of \$10,528.00. Mr. Horrocks recommended the Board consider using funds provided by Kunkin Steel for designated road improvement donations made to the Township this year in the amount of \$13,777.00. The Township has spent \$6,076.00 of that total for storm pipe for Cherry Lane construction, with \$7,700.00 remaining. In essence, Mr. Horrocks advised the shortage consists of \$2,828.00. The Township also presently has \$45,839.00 in other designated road improvement funds. Mr. Horrocks recommends this bid proposal be awarded to M & M Stone, with the

remaining \$2,828.00 coming from those other designated road improvement funds.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from M & M Stone in the amount of \$106,828.48 for Bid #96-5 - the reconstruction of Cherry Lane, Reliance Road, and Conestoga Way, with \$7,700.00 from the Kunkin Steel designated road improvement donations, and \$2,828.00 from other designated road improvement funds; and to authorize the Township Engineer to be responsible for overseeing the construction of this project. This motion is subject to verification of insurance, performance and payment bonds, and approval by the Office of Community Development.

3. Mr. Horrocks presented the following eight escrow releases for the Board's consideration:

Bricks Villa	Voucher #19	\$	387.91
Bridle Run Subdivision	Voucher #17	\$	446.31
Country Roads Phase I	Voucher #53	\$	528.47
Country Roads Phase II	Voucher #25	\$	8,010.68
Country Roads Phase II	Voucher #26	\$	439.47
Hilltown Crossings	Voucher #20	\$	32,423.19
Hilltown Hunt	Voucher #17	\$	228.02
Ralph G. Moyer Subdiv.	Voucher #06	\$	5,004.11

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize release of the eight escrows as noted above.

4. For the Board's information, the Green Meadows development has, for the second time in the past three years, gone through a reassessment with Bucks County. Ultimately, this means that the Township will receive \$41,522.40 less in real estate taxes per year.

5. Mr. Horrocks is requesting permission to attend a Pennsylvania Municipal Retirement System Seminar to be held on September 11, 1996 near Pittsburgh, Pennsylvania, at a cost of \$15.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Manager's attendance at the P.M.R.S. seminar scheduled for September 11, 1996, and to authorize hotel accommodations for Mr. Horrocks for the evening prior to the seminar.

6. It has come to Mr. Horrocks' attention that various organizations are looking at the Hilltown Crossings donation the Township may receive after installation of the sewer line across

Rt. 309. Mr. Horrocks and the Director of Public Works would like the Board to consider a 1 1/2" overlay to Swartley Road, which will actually be experiencing more traffic due to the construction of the shopping center. The cost involved for the overlay will be approximately \$34,380.00, which is almost half of what is budgeted for that donation.

Supervisor Bennington also mentioned the radio situation with Bucks County which will incur a great deal of funds.

7. Mr. Horrocks has received written recommendations from two fire companies concerning the position of Hilltown Township Fire Marshall.

8. Mr. Horrocks sent a letter to Mr. Douglas May, District Traffic Engineer for PennDot regarding the traffic lights at the Hilltown Crossings Shopping Center. A recent revision was made without the Township's knowledge that the request had been made or that PennDot had approved the request. In today's mail, correspondence was received from Hatfield Township stating they do not wish to be placed on the permit of those two traffic signals.

9. There is a police officer who has utilized his 400 hours of sick leave during 1996. As per the current labor contract, this officer is requesting that the Board of Supervisors extend his sick leave limit. The officer has provided a doctor's note, dated March 27, 1996, and he is scheduled to see this doctor again on August 1, 1996.

Supervisor Fox commented the police officer was not injured in the line of duty and has had 50 days of sick leave. If this officer was actually sick, Supervisor Fox would consider the request, however it is his contention that the officer should utilize the five weeks and one day of vacation that he has accrued. Chairman Bennett felt that was a good suggestion. Supervisor Bennington stated he has always supported the police department and abided by the police contract, but by the same token, the contract clearly states that there is 400 hours for sick leave. Supervisor Bennington agreed with Supervisor Fox's suggestion for the officer to utilize his vacation time if there is to be a continuation of his sick leave.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to not grant an extension of sick leave beyond the 400 hours authorized in the police contract, for the police officer as noted above; and suggesting that the officer use vacation time for any extended sick leave.

10. The Township received an application and fee for a Conditional Use Hearing for the construction of a Bell Atlantic

cellular tower to be located in Hilltown Township. Mr. Horrocks noted the Board of Supervisors and the Township Solicitor must schedule that hearing at their convenience. Solicitor Grabowski suggested the applicant be contacted as well, to determine what dates they may have available. Mr. Horrocks noted this cellular tower is proposed to be constructed in the northeast quadrant of the Township.

H. CORRESPONDENCE - Mr. Bruce G. Horrocks -

1. As of June 30, 1996, Mr. Horrocks advised there are 134 dogs residing at Bunny's Animal Shelter. Supervisor Bennington did not feel it is necessary to provide this information at public meetings. The Board was in agreement.

2. A request has been received from Dublin Borough asking Hilltown Township to consider a possible donation towards the traffic signal located at Rt. 313 and Rickert Road. Bedminster Township has generously offered to contribute \$2,500.00 to offset Dublin Borough's cost. There will be no request of funds for the annual operation and maintenance costs of this traffic signal from Dublin Borough.

Supervisor Fox feels a donation of \$2,500.00 is reasonable, and the Board agreed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize a donation in the amount of \$2,500.00 to Dublin Borough from the Road Improvements fund, for the traffic signal located at Rt. 313 and Rickert Road, with the stipulation that no funds will be provided for the annual operation and maintenance costs of this traffic signal.

3. Correspondence has been received from Mr. Brent Wiggins, Director of Communications in Bucks County, dealing with the proposed public safety radio system upgrade.

Supervisor Bennington feels the upgrade is a waste of money. Chief Egly stated there are more modern radio systems obtainable, and feels that if funds are expended, they should be expended for the most modern system available. Chief Egly forwarded information to Bucks County Communications today concerning the packet system brought to his attention at the Police Chiefs Convention. Chief Egly believes the County is fearful that if they purchase the most modern equipment available, they would be forced to cut down on dispatchers. It appears to Chief Egly that Bucks County has committed all emergency operations to the purchase of a radio system they do not want. Chairman Bennett asked if the Township is obligated to the County's radio proposal. Supervisor Bennington believes the Township is obligated, because in five years, the

police department's current radio system would not be usable. Chief Egly believes the estimated cost for Hilltown Township Police Department to convert to this new radio system will be approximately \$100,000.00. Chairman Bennett commented that is 3 mills of taxes. Supervisor Fox asked how the local fire companies will deal with the financial aspect of this change. Supervisor Bennington was very upset by this proposal, stating the County is forcing municipalities to convert to this radio system, with no alternatives. Discussion took place.

Supervisor Bennington suggested the Township Manager contact each of the neighboring municipalities to determine their feelings concerning this new radio system. After doing so, a letter could be drafted to the County Commissioners signed by each of the municipalities who are opposed to this new radio system. Chairman Bennett and Supervisor Fox were in agreement. Mr. Horrocks was directed to contact neighboring municipalities expeditiously.

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

1. Solicitor Grabowski presented a proposed Resolution concerning the referendum question with regard to the acquisition of open space and open space rights. Solicitor Grabowski explained the UniDebt Act of Pennsylvania requires that the referendum question be submitted to the Board of Elections at least 45 days prior to the election at which the question should appear on the ballot. The next election date will be November 5, 1996. The Resolution to be submitted to the Board of Elections, along with the question, must be fine tuned by the Board of Supervisors. Solicitor Grabowski advised the proposed referendum question, as reviewed by the Board at their last meeting, spoke in terms of a sum of \$3.8 million to be the maximum amount to be approved for the purpose of acquisition of three items - agricultural conservation easements, conservation land easements, and recreational open space or passive open space. Discussion had taken place with regard to recreational open space and passive open space. Solicitor Grabowski believes the term "recreation open space" was changed to become "passive open space." Solicitor Grabowski noted there is no definition of passive open space, however he feels he understands what the Board is suggesting. Solicitor Grabowski would like to recommend that the Board consider the use of the following language "acquire land for passive recreation." Solicitor Grabowski believes the Board has determined that they do not want to become involved with the acquisition of transferrable development rights, and the Board agreed. Therefore, the four items to be designed in this referendum question would include the acquisition of open space, acquisition of agricultural conservation easements, acquisition of conservation land easements, and acquisition of land for passive recreation, in the amount not to

exceed \$3.8 million dollars.

Motion was made by Supervisor Bennington, and seconded by Supervisor Fox to **adopt Resolution #96-22 to place the referendum question on the ballot on November 5, 1996.**

When this issue was first discussed, Chairman Bennett abstained from the vote, however since that time, he has decided to vote nay. Most residents Chairman Bennett has spoken to are opposed to another tax increase, which he believes would be approximately 8 mills for the Bond Issue itself. At the very minimum, Chairman Bennett feels there would be two additional mills required of Hilltown Township residents, for the sole purpose of maintenance of this land. Chairman Bennett also feels the average large parcel of land could cost up to \$10,000.00 per acre, and his estimate is that the Township could only acquire 350 to 400 acres. This is only 2.5% of the size of the Township, which he does not feel is enough to even slow development, let alone stop development. Another issue of concern for Chairman Bennett is the fact that this will add 40 to 50 mills to the tax structure, and although he agrees with Supervisor Bennington that the Township can not be concerned with the school district, he still believes it will be a financial blow to each and every resident of this Township. This year alone, there has been a 14 mill increase in school taxes and estimates are that there will be an additional 14 to 15 mills next year for construction of the new school. The teacher's contract has not yet been settled, which will most likely add another 8 to 10 mills; the radio system discussed earlier this evening could conceivably cost another 3 mills; and Township taxes may have to increase another 2 to 3 mills in two years in order to support the two new police officers. Chairman Bennett advised there is a proposal in the Pennsylvania Legislature at present to form regional districts to assist the City of Philadelphia, which would include the five counties, to enact a 1% sales tax.

Supervisor Bennington commented if the Township waits to propose this referendum question, there will not be any land or easements available, and all the tax money will go towards constructing a second school in addition to the proposed school in Silverdale. The committee Hilltown Township established was to determine the land use referendum question and how much money the Township could afford. Supervisor Bennington disagreed with Chairman Bennett that there are not easements to be purchased from non-farmers who own large tracts of land. Supervisor Bennington commented land can be purchased that is not necessarily used for farming. Supervisor Bennington wishes to give Hilltown Township residents the opportunity to vote on a question that will affect their future, because if it is not done now, the land will no longer available and overdevelopment will take place.

Supervisor Fox stated the Township is presently looking at an additional \$50.00 per year in taxes for residents if the referendum question is approved, however we know the new school could cost an additional \$150.00 per year in taxes for residents. For every 500 or 600 students coming into the school district, another school will have to be built. There is an average of three children per home and it does not take very many to add another school or school addition. Supervisor Fox feels this issue is for the public to decide and firmly believes it is the resident's right to make this decision.

Chairman Bennett was opposed to the motion. Motion passed: 2:1.

2. Solicitor Grabowski presented Resolution #96-23 for the Beer Subdivision to accept the declaration of easement offered for right-of-way on E. Creamery Road, Twinbrook Road, and Blooming Glen Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-23 for the Beer Subdivision, accepting the declaration of easement for right-of-way of E. Creamery Road, Twinbrook Road, and Blooming Glen Road.**

3. Solicitor Grabowski advised the Parec Development Company is the developer of the Hilltown Woods Subdivision, located at Rt. 113, Schultz Road, and Diamond Street. Phase II agreements have been prepared and executed by the developer and by CoreStates Bank. The construction funds are being held by CoreStates Bank in the amount of \$611,427.69.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Development Agreement, and the Financial Security Agreement of Parec/Hilltown Woods Subdivision, Phase II.

4. Solicitor Grabowski presented a Land Development Agreement, a Financial Security Agreement, and an agreement providing for reduction of non-residential parking requirements for the Off-the-Wall Company. The financial security has been secured by a Letter of Credit issued by National Penn Bank in the amount of \$76,244.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Land Development Agreement, Financial Security Agreement, and parking reduction agreement of Off-the-Wall Company.

J. PLANNING: None.

K. ENGINEERING - Mr. C. Robert Wynn, Township Engineer -

1. Schade Subdivision - The Township received correspondence from Mr. John Schade regarding improvements to the Schade Tract Subdivision. This development is located at the intersection of Rickert Road and Green Street. This correspondence represents that certain items have been completed, and the applicant is requesting a reduction in the amount of funds held by the Township, from approximately \$25,000.00 to approximately \$5,000.00. Mr. Wynn is not prepared to respond to that request this evening, however he would like authorization on two items as requested by the applicant. One request is to release \$1,530.00 to Bell Atlantic to relocate a pole, and one request is to release \$12,551.00 to Ken Beer and Sons Excavation for the work done on Rickert Road along the frontage of Lots #3 and #4.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the release of \$1,530.00 for the Bell Atlantic pole relocation and \$12,551.00 to Ken Beer and Sons for the excavation work done on Rickert Road, as noted above, for the Schade Tract Subdivision.

2. Act 537 Update - Mr. Wynn has received correspondence from Cowan Associates, engineer for the Hilltown Township Water and Sewer Authority, for their portion of the plan content and environmental assessment checklist which is required by D.E.P.. The Township Authority offered to pay the cost of their engineer to prepare an Act 537 Update for the service areas of their sewer lines. Last spring, it was determined that C. Robert Wynn Associates would coordinate the work for an overall Township Act 537 Update. Mr. Wynn's office will prepare an update of demographic information and the mapping involved, identify sewage policy revisions such as holding tank revisions, identify location of holding tanks and small flow treatment facilities as well as the Township's policy for management of those facilities, identify sewage planning revisions outside the areas of the Township Authority, and address management of on-lot sewage disposal systems. Mr. Wynn is seeking Board authorization to proceed with respect to preparation of the D.E.P. Act 537 Plan Content and Environmental Assessment Checklist, and prepare the request for approval of the study. Mr. Wynn advised his firm will be working in conjunction with Cowan Associates, who will also be performing services for the Township and will be reimbursed by the Hilltown Township Authority. Upon approval by D.E.P., the project can be reimbursed up to 50%, once the plan is adopted. The funds would come back to the Township and will then be disbursed to the Authority in a pro-rated portion. Therefore, 50% of what the Authority spent would be returned to them. Mr. Wynn explained that the Cowan Associates portion of the project is to do the Act 537 update in the southern and central sewage districts, which will be

paid by the Water and Sewer Authority, is estimated at \$37,373.00. If that were the correct amount, 50% of that money will be returned to the Township, with the understanding that it will be reimbursed to the Authority. Mr. Wynn does not have as detailed an estimate for his services at this time, though he believes it could be anywhere from \$18,000.00 to \$20,000.00. The Board was in agreement to proceed with this project and D.E.P. approval of an updated Act 537.

L. LINENS FOR SIGNATURE:

1. Durham Venture Ltd. Lot Line Change

M. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger, a member of the Open Space Committee, believed it was decided the last two times this issue was discussed, that Solicitor Grabowski would not be involved in drafting the actual referendum question. Mrs. Bolger thought the Board of Supervisors had decided that it was not necessary for Solicitor Grabowski to be involved. Mrs. Bolger sees some engineering going on that she is not happy with. Supervisor Bennington stated he has a problem with this as well, because he was not aware that a Resolution would be required to place the question on the ballot. After read the minutes of the last meeting at which he was not present, Solicitor Grabowski notified Mr. Horrocks that under the UniDebt Act, which is a State statute which provides for this particular type of referendum question, a Resolution is required. There had been some changes with regard to the language of the referendum question as to "passive" or "recreational" open space. Mrs. Bolger does not believe there is any reason for this nonsense, commenting that if a committee is appointed to draft a referendum question, their decision should stand. Mr. Horrocks explained the Open Space Committee members were notified that they were an advisory committee only, and that the final decision would be left to the three Supervisors. Mrs. Bolger agreed, however she does not feel the three Supervisors made those decisions. Mrs. Bolger believes Mr. Horrocks or someone else made those decisions because things were changed. Mr. Horrocks stated he made no decisions with regard to the referendum question.

Mrs. Bolger received the Park and Recreation Survey in today's mail which is due back to the Township on August 2, 1996. Mrs. Bolger asked who drafted the questions for the survey. Mr. Horrocks replied the survey was drafted by the Hilltown Township Park and Recreation Board. Mrs. Bolger feels the questions in the survey are slanted towards active recreation, such as soccer, baseball, basketball, football, etc.. In her opinion, active recreation includes walking, rollerblading, etc.. Mrs. Bolger does not want Deep Run Valley Sports Association taking over the open space in this Township for their purposes, since they are a private athletic

organization. It is Mrs. Bolger's contention that there should be more open space in the Township, however she feels the availability of sports facilities should be Deep Run's responsibility, not the Townships.

Supervisor Bennington urged Mrs. Bolger to attend the next Park and Recreation Board to make her feelings known. Further, Supervisor advised the Board of Supervisors had no input in the Park and Recreation Survey.

Chairman Bennett is having difficulty understanding Mrs. Bolger's comments because he does not believe there is anything underhanded going on with the referendum issue at all. Chairman Bennett stated his views on the referendum, and the remaining Supervisors stated theirs. As far as the issue of Deep Run and the Park and Recreation Board, Chairman Bennett does not see a conflict. The Township presently owns approximately 150 acres of open space, widely scattered across the Township in smaller parcels. Mrs. Bolger stated much of that land is not usable. Chairman Bennett stated the former Civic Association field is certainly usable land and the Blooming Glen Playground area is usable as well. Chairman Bennett commented the Township has not given Deep Run anything. Mrs. Bolger commented she didn't say they did, however she feels it is being channeled to do so. Mrs. Bolger is not against Deep Run using some of the Township's land, but she is against all of the Township's open space being proclaimed for so-called "active" recreation. Mrs. Bolger does not want Deep Run taking over the Township in the areas that will be allocated for recreation if the referendum passes. Chairman Bennett does not personally see this as a problem.

2. Mr. Richard Lesmeister of 508 Upper Stump Road asked the status of the Thompson property maintenance zoning violation which was issued some time ago.

Depending on the visual aspect of the lot, and whether or not there is trash, vermin, or rodents, Supervisor Fox believes any field should be mowed at least once, preferably twice, per year.

Supervisor Bennington stated there is a Nuisance Ordinance which Mr. Thompson must abide by, and he believes the field should be mowed.

Chairman Bennett visited the site this morning, and he has mixed emotions. Personally he does not object to the so-called "meadow." Chairman Bennett believes the growth in the field was approximately 12" to 15" in height. Supervisor Fox noted there is no height restriction delineated in the Nuisance Ordinance. Chairman Bennett acknowledged there were certainly some weeds growing in that field, however he believes that condition prevails in many areas of the

Township. Chairman Bennett tries to mow his own fields two or three times per year, if it is not being farmed. Chairman Bennett wondered if Mr. Lesmeister would have objected if Mr. Thompson's field was a corn field. Mr. Lesmeister replied corn is harvested so that the growth is not there year-round.

Supervisor Fox commented the Planning Commission is continually reviewing Ordinances in order to keep them updated, and suggested they specifically review the Nuisance Ordinance to determine whether it should be updated or perhaps clarified. If Mr. Thompson is not going to be made to conform to the Nuisance Ordinance in place at present, Supervisor Bennington assumes that he could allow his own lawn to grow to 12" or 14" without fear of being cited by the Township.

Mr. Lesmeister noted his neighborhood is a residential subdivision, not agricultural land for farming. Chairman Bennett recalls that when this issue was before the Board last year, Mr. Thompson had quoted two or three different conservation groups who supported the "meadow." Mr. Horrocks advised there is no outstanding violation against the Thompson property at present. Solicitor Grabowski stated the Nuisance Ordinance specifies that if a situation constitutes a health, safety, and welfare issue, it must be proven by the Township to issue a citation. Should the violator of that Ordinance demand a District Justice hearing in the matter, the Township will have to produce a witness to testify to what that health and safety issue is. If a true health or safety issue exists and can be proven, Solicitor Grabowski noted the Township would win. Aesthetics and the height of the grass or weeds can not be used as evidence since that is not specified in the Nuisance Ordinance. Therefore, Supervisor Bennington noted he can grow his grass as tall as he likes and there is really no sense in having a Nuisance Ordinance. Solicitor Grabowski replied it becomes a question as to how far government can go in terms of reasonable restrictions. The courts speak in terms of reasonable restrictions including an issue of health, safety, or welfare. Solicitor Grabowski agrees that Supervisor Bennington is right, the court certainly will not say that grass heights of 10", 15" or 20" is a violation of the Ordinance. Supervisor Bennington commented the Township requires many other residents to cut their grass, however there appears to be selective enforcement of the Nuisance Ordinance, which Solicitor Grabowski is saying is not effective to enforce. Solicitor Grabowski stated if there is a witness who can testify and prove violation of health, safety, or welfare, the Township will win. Supervisor Bennington asked if possible vermin infestation, the threat of disease, and the potential for fire is not sufficient evidence. Solicitor Grabowski replied that if there is a credible witness who will testify to this, the Township can win. The size of the property in question was discussed, and it was suggested that if the Nuisance Ordinance is revised, a possible

property size minimum may be necessary to enforce the Ordinance.

Mr. and Mrs. Lesmeister also noted the sight distance difficulty the tall weeds cause on their private lane which is a safety factor for pedestrians or other vehicles.

The Board of Supervisors agreed that the Planning Commission should review and recommend revisions to make the Nuisance Ordinance more specific and as clear as possible. Chief Egly commented many municipalities throughout the County have a height control restriction for grass and weeds.

Supervisor Fox does not feel the Township would win a case before the District Justice unless a violation of health, safety and welfare issues can be proven. It does not appear to Supervisor Fox that Mr. Thompson has violated the Nuisance Ordinance, the way it is written at present. Mrs. Lesmeister stated the Board of Supervisors set a precedence last year when they required Mr. Thompson to mow his field. Chairman Bennett will personally ask Mr. Thompson to mow his field.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Zoning Officer to cite Mr. Thompson for violation of the Nuisance Ordinance.

3. Mr. John Bolger advised letters were sent from the Pennridge School District to each municipality to schedule a meeting in order to discuss impact fees. Mr. Bolger understands there was a poor response from municipalities. Mr. Bolger urged the Board of Supervisors to meet with the Pennridge School District to discuss the possibility of impact fees in an effort to save tax money. Mr. Horrocks explained the Township did receive correspondence from the Pennridge School District requesting consideration of the school district's participation in negotiations with developers for impact fees. Correspondence from Hilltown Township was sent to Dr. Kish, however a written response was never received to that letter. A verbal response was received, however. The Township's correspondence to Dr. Kish questioned the legality of a school district participating with the Township to apply impact fees on any development for future school costs. To the best of the Board's knowledge, Mr. Horrocks noted there is no State statute which makes that legal. Mr. Kish then told Mr. Horrocks that the school district does not wish to negotiate, rather they would like to request voluntary contributions from developers. Mr. Horrocks advised impact fees and voluntary contributions are not the same thing. Mr. Bolger asked the Board to reconsider their position and to meet with officials of the Pennridge School District in a joint effort to save taxpayer's money. Discussion took place.

Mr. Bolger asked what is being done to rectify the water run-off problem on Rt. 152 at the Hilltown Hunt Subdivision detention basin. Mr. Bolger has also noticed that the parking area for the wellhouse is being washed away. Mr. Wynn advised the developer has agreed to raise the impoundment capacity of the detention basin to go beyond the requirements of the Ordinance, however he is not prepared to do that at this time. Further, the Township is constructing a detention basin on the site of this municipal building. Mr. Wynn commented the water run-off problems at that section of Rt. 152 existed for many years before the Hilltown Hunt Subdivision was developed. Mr. Horrocks stated when a representative of PennDot visited the site last year, they acknowledged no water problems with the roadway, other than clogged driveway pipes and undersized driveway pipes that were installed without proper permits, which is the homeowner's responsibility.

Mr. Bolger asked if there is water entering the Authority's wellhouse on Rt. 152 and Mr. Wynn replied it is not.

4. Mr. Horrocks noted it will be five years on August 5, 1996, that the Board of Supervisors appointed him to the position of Township Manager. Mr. Horrocks commented it has been an education and he has enjoyed every minute of his employment. Before he accepted this job, Mr. Horrocks realized that Abraham Lincoln was correct when he said that you can not please all of the people, all of the time.

Mr. Horrocks wished to state that during his first year on the job, he was still a member of the Deep Run Board of Directors. However he resigned that position after receiving comments indicating that it might lead to conflict of interest.

Further, Mr. Horrocks stated that he has never engineered any decision the Board of Supervisors has made. Mr. Horrocks merely makes proposals, and enforces decisions as made by the Board of Supervisors.

N. SUPERVISOR'S COMMENTS:

1. With regard to the discussion that took place earlier, At the very least, Supervisor Fox feels that a formal sketch plan should come before the Board of Supervisors before any applications are sent to the Zoning Hearing Board. Solicitor Grabowski stated that under the Municipalities Planning Code, and under requirements of the Zoning Ordinance, any applicant has the automatic right to go to the Zoning Hearing Board. Solicitor Grabowski does not believe that there is any authority that compel an applicant to appear before the Board of Supervisors before submitting an application to the Zoning Hearing Board. Mr. Horrocks commented the Zoning Ordinance requires that the Zoning Officer, upon

reviewing applications for uses C, D, E, G, and H, must be forwarded to the Hilltown Township Planning Commission. Whether or not that has been done in the past, Mr. Horrocks does not know, however he intends to enforce that regulation. Supervisor Fox wondered if the Zoning Hearing Board, in their own by-laws, could ask for certain information from applicants, including a review of all proposed commercial and industrial uses. The Zoning Hearing Board Solicitor has previously asked Mr. Horrocks, as Township Manager, for more information on Zoning Hearing Board appeals. Mr. Horrocks believes the issue is being addressed currently.

Mr. John Snyder, chairman of the Zoning Hearing Board, agreed with Supervisor Fox, and stated that once an application is accepted, the 60 day clock begins for a hearing to be held. Mr. Snyder agreed that it would be helpful to have more information on the Zoning Hearing Board application. Mr. Snyder does not believe that Mr. Nace, the former Zoning Officer, did his job properly when reviewing Zoning Hearing Board applications.

Supervisor Fox suggested the Planning Commission review what might be helpful to add to a Zoning Hearing Board application in order to supply more information to that Board. Mr. Horrocks felt that was an excellent idea.

2. Supervisor Bennington wished to continue discussion regarding Mr. Bolger's proposal for the Supervisors to meet with the Penridge School District. Supervisor Bennington stated that if \$1,000.00 per house is received from a developer, with half given to the Township and half given to the school district; the Township will be getting \$500.00 less than they would have originally received. Supervisor Bennington does not believe that the Township will be able to get any more voluntary donations from a developer than they have in the past. Mr. Bolger commented the Township must make sure they get what they are entitled to. Mr. Bolger believes that some compromise could be reached if there was discussion with the Penridge School District. Chairman Bennett and Mr. Horrocks agreed to meet with Dr. Kish

O. PRESS CONFERENCE: There were no members of the press in attendance at this time.

P. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the July 29, 1996 Board of Supervisors meeting was adjourned at 10:32PM.

Respectfully submitted,

Lynda S. Seimes

Lynda Seimes
Township Secretary