

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, February 24, 2003
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Betty P. Snyder at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
John S. Bender, Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Kerry L. Trauger, Chief of Police
Lynda S. Seimes, Township Secretary

Chairperson Snyder announced the Board met in Executive Session prior to this meeting in order to discuss personnel matters.

- A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
- B. APPROVAL OF MINUTES – Action on the minutes of the February 10, 2003 Worksession Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 10, 2003 Supervisor’s Worksession meeting, as written. There was no public comment.
- C. APPROVAL OF CURRENT BILLING – Chairperson Snyder presented the Bills List dated February 25, 2003 with General Fund payments in the amount of \$24,199.51 and State Highway Aid Fund payments in the amount of \$995.60; for a grand total of all payments in the amount of \$25,195.11.
- Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated February 25, 2003. There was no public comment.
- D. CONFIRMED APPOINTMENTS: None.
- E. POLICE OFFICER SWEARING IN CEREMONY – In light of Chief Trauger’s anticipated retirement as of March 30, 2003, he strongly urged and recommended the appointment of Lt. Chris Engelhart to the position of Hilltown Township Police Chief. Lt. Engelhart could not be present this evening due to an illness in his family.

Chief Trauger also recommended the hiring of Christopher Ferry and Matthew Reiss as Hilltown Township Police Officers. Supervisor Bennington advised that the Board met with Mr. Ferry and Mr. Reiss prior to this meeting, and they appear to be excellent choices.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to appoint Christopher Ferry and Matthew Reiss as Hilltown Township Police Officers effective immediately. There was no public comment.

Judge Gaffney was present to swear in the two officers as noted above.

F. MANAGER'S REPORT -- Mr. Gregory J. Lippincott, Township Manager --

1. Mr. Buzby has suggested two dates for road inspection – Saturday, March 29, 2003 or Saturday, April 12, 2003. Discussion took place. Road Inspection was scheduled for Saturday, April 12, 2003 at 7:30AM and will be properly advertised.

2. Five proposals for Bid #2003-2 for the purchase of a 1995 Used Police Vehicle were opened on Thursday, February 20, 2003. Bid results are as follows:

Robert F. Miller	\$3,300.00
Government Cars Distribution Center	\$1,368.00
Rick's Towing, Inc.	\$1,310.00
Grace Quality Used Cars	\$1,125.00
Liberty Motors of Goshen, Inc.	\$ 888.88

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #2003-2 for the purchase of a Used Police Vehicle to Robert F. Miller in the amount of \$3,300.00. There was no public comment.

3. Mr. Lippincott presented a Resolution requesting reimbursement of monies for expenses incurred for the training of a new police officer, according to the provisions of the Municipal Police Officers' Education and Training Act, Act 120 of 1974.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, to **adopt Resolution #2003-15 to request reimbursement of monies for expenses incurred for the training of a new police officer, according to the provisions of the Municipal Police Officers' Education and Training Act, Act 120 of 1974.**

Public Comment:

1. Mr. Jack McIlhinney of Broad Street asked the approximate cost of training for a new police officer. Mr. Lippincott did not know, however he would investigate and provide that information to Mr. McIlhinney in the near future.

Motion carried unanimously. There was no further public comment.

G. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager –

1. A copy of correspondence from Congressmen Greenwood to the United States Postal Service was received by the Township. Congressman Greenwood, at the behest of Representative Watson, requested that the U.S. Postal Service consider plans to provide curbside mail delivery to residents from the Hilltown Post Office. Discussion took place.

2. Correspondence was received from the Hilltown Fire Company requesting that the Board of Supervisors consider rejecting variances by the Sunoco located at Rt. 309 and Hilltown Pike for their proposed major renovation project. Discussion took place.

Since the developer of Sunoco has not yet applied for a variance from the Zoning Hearing Board, the Supervisors tabled this request for action at a future meeting.

H. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski presented Subdivision and Direct Deposit Agreements, as well as the Sanitary Sewage System Maintenance Agreement for the Souder and Souder Subdivision for the Board's consideration. Discussion took place concerning the type of drip sewage system proposed for this development. Mr. Wynn explained that the system is very similar to a spray irrigation system.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Subdivision/Land Development Agreement, Direct Deposit Agreement, and the Sanitary Sewage System Maintenance Agreement for the Souder and Souder Subdivision, as noted above. There was no public comment.

2. Solicitor Grabowski presented the Financial Security Agreement and the Resolution for Declaration of Road Frontage of Minsi Trail for the Egitto/Kane Lot Line Adjustment project for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Financial Security Agreement for the Egitto/Kane Lot Line Adjustment plan. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2003-16, the Declaration of Road Frontage of Minsi Trail for the Egitto/Kane Lot Line Adjustment plan, as noted above.** There was no public comment.

3. Solicitor Grabowski presented the Agreement of Assignment of Obligations for the Beres Subdivision for Board consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Agreement of Assignment of Obligations for the Beres Subdivision, as noted above. There was no public comment.

4. Solicitor Grabowski presented the Financial Security Agreement, Subdivision/Land Development Agreement, and Resolution for Declaration of Road Frontage for the Brittany Estates Subdivision for Board consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Financial Security Agreement and Subdivision/Land Development Agreement for the Brittany Estates Subdivision. There was no public comment.

Motion was made by Supervisor Bennington, and seconded by Supervisor Bender, to **adopt Resolution #2003-17 for the Declaration of Road Frontage for the Brittany Estates Subdivision.**

Public Comment:

1. Mr. Jack McIlhinney of Broad Street asked where this subdivision is located. Mr. Wynn replied that the site is east of the one lane bridge on Rickert Road. Mr. McIlhinney asked if this subdivision was the subject of discussion concerning drainage difficulties on a neighboring property. Mr. Wynn explained that it was, however an easement agreement was established with the neighboring property owner to address the drainage problem.

Motion carried unanimously. There was no further public comment.

5. Solicitor Grabowski advised that the Public Hearing for the proposed Comprehensive Plan would be held at the Board of Supervisor's Worksession meeting on Monday, March 10, 2003 at 8:00PM.

6. An application for Zoning Change was filed today by Haines & Kibblehouse for both of their quarry locations – at the Blooming Glen Quarry and the Skunk Hollow Quarry sites in Hilltown Township. Solicitor Grabowski explained that the petition by H & K is seeking a zoning change of the properties located adjacent to both existing quarries to allow for quarry activity under the Zoning Ordinance. In the situation of the Blooming Glen Quarry, the neighboring tract is known as the Rice property on Forest Road, which is currently vacant. The tract next to the Skunk Hollow Quarry site is commonly referred to as the Murphy Farm. In addition to the change of zoning for those two parcels, the application also contains a proposed Ordinance amendment to the provisions of the existing Zoning Ordinance. Specifically, there are two major sections of the existing Zoning Ordinance that H & K is requesting the Township to change.

Solicitor Grabowski explained that the procedure involved for a Zoning Change Request is for the Board of Supervisors to hold Public Hearings to determine whether or not the Zoning Change has any merit. The Public Hearing is not a judicial type of proceeding, such as a Zoning Hearing or a Curative Amendment Hearing; it is merely a request to change zoning. It is at the Board's discretion to approve or reject the request. Nevertheless, Public Hearings must be held. Solicitor Grabowski and Mr. Lippincott were aware that there was a possibility that this application would be filed by H&K, and as a matter of fact, there have been rumors of such a request for the past several years. Solicitor Grabowski had recommended that if and when the application was filed, another meeting room should be considered because of the anticipated resident attendance. Therefore, Mr. Lippincott tentatively discussed using the auditorium at the new middle school in Silverdale.

Public Hearings must be held within a certain period of time. The Township calendar was reviewed, and it was determined that the fourth Tuesday of every month beginning in March would be the only date available without municipal meeting conflict. When the Public Hearings are held, Solicitor Grabowski advised that procedures and rules will be established. He believes that at the first Public Hearing, which will be tentatively scheduled for Tuesday, March 25, 2003, H & K will be asked to provide a general overview of their request at both quarry sites, presenting maps, plans or diagrams for discussion. Issues that Solicitor Grabowski presumes H & K will want to address include traffic, blasting, noise, water, and all other environmental issues. Solicitor Grabowski suggested that the Public Hearings begin at 7:30PM and have a definitive completion time of perhaps 10:00PM, with H & K making their presentation from 7:30PM until approximately 9:30PM, at which time a question and answer period would be provided

for the Supervisors and the general public. If, after the first Public Hearing is held, it is determined that the size of the auditorium in the Central Middle School is not necessary, future Public Hearings could be held here at the Municipal Building on the fourth Tuesday of every month until a decision is made.

Mr. Lippincott has spoken to representatives of the Pennridge School District, and the auditorium at the Middle School is available for the following dates - March 25 and April 22nd, but unavailable for May 27th, which would be a conflict for the Supervisor's anyway, since their regular meeting has been rescheduled to that date due to the Memorial Day holiday. Supervisor Bennington wondered if the School District would charge the Township for their use of the facilities at the Middle School. Discussion took place.

Supervisor Bender suggested that a moderator, independent of the Board of Supervisors, be used to keep the meeting flowing smoothly. Solicitor Grabowski agreed, and noted that he would serve in that capacity. He also recommended that a court stenographer be hired for the Public Hearings, and the Board agreed.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 reminded the Board that the Civic Association meets on the fourth Tuesday of every month. Mr. Lippincott is aware of that, however the fourth Tuesday of every month is the only date available that a Township board or commission does not meet, and is also the only date that was convenient for the Board of Supervisors.
2. Mrs. Marilyn Teed of Mill Road asked if both quarry sites would be treated as one. It appears to Mrs. Teed that the neighboring property owners of the Skunk Hollow Quarry, for instance, would not necessarily have a vested interest in the problems experienced by the surrounding property owners of the Blooming Glen Quarry site. Chairperson Snyder noted that many of the environmental impact issues would be the same. Mrs. Teed asked if it would be conceivable for the Supervisors to consider granting re-zoning to just one of the quarry site properties, rather than both. Solicitor Grabowski commented that the application for re-zoning has been submitted for both quarry property sites in the format that H & K has chosen, and in addition, there are proposed changes to the Zoning Ordinance, which would be common to both. The Township has no choice but to accept the petition for re-zoning as it was presented by the applicant.
3. Mrs. Jean Bolger of Rt. 152 is vehemently opposed to paying any fee to the Pennridge School District for the use of the school auditorium, because she feels that the taxpayers of this community have already paid for the construction of that school.

Discussion took place. Solicitor Grabowski explained that when the application was submitted by H & K, an escrow check was provided for any costs, including the use of the auditorium, the court stenographer, and for his time as well. Regardless of the escrow that H & K has provided, Supervisor Bennington agreed with Mrs. Bolger. Mr. Lippincott commented that a small fee would be charged by the Pennridge School District for the cost of the custodian's time only.

On another matter, Mrs. Bolger stated that her late husband would have been delighted with the opportunity for public comment that Chairperson Snyder has been providing just prior to each and every vote taken by the Board of Supervisors.

Discussion took place and it was determined that Solicitor Grabowski would advertise the first Public Hearing to consider the re-zoning petition presented by H & K Quarry on Tuesday, March 25, 2003 at 7:30PM at the Pennridge Central Middle School auditorium located in Silverdale Borough. Further, the properties in question will be posted with the appropriate information, and notification will be sent to all neighboring property owners within a 1,000 ft. radius of the perimeter of each specific property as to the date, time and location of the Public Hearings. Supervisor Bender recommended that the residents of Hayhouse and Rickert Roads also receive mailed notification. The remaining Supervisors agreed. Solicitor Grabowski also suggested that the actual application and proposed Ordinance from H & K be posted on the Township's website for review.

4. On a lighter note, Solicitor Grabowski explained that Bob Wynn, the Township Engineer, is a fanatical Syracuse University graduate. Yesterday, Syracuse beat Michigan State, Solicitor Grabowski's alma mater, in college basketball by just one point. Because Solicitor Grabowski lost that bet, he donned a Syracuse University tee shirt for the remainder of the meeting.

I. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Righter Small Flow Treatment Facility – This site located on Cherry Road contains a failed on-lot septic system. Before the Board this evening is a Resolution for Planning Module approval to allow the construction of a small flow treatment facility to correct the public health hazard created by that failed system. The site has been tested and it was determined that there are no soils adequate for an alternate septic system. The Township Planning Commission and the Bucks County Health Department have recommended approval of the Planning Module.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to **adopt Resolution #2003-18 for acceptance of the Righter Small Flow Treatment Facility Planning Modules, pending execution of the**

appropriate Operation and Maintenance Agreement, and the establishment of the appropriate escrow, as determined. There was no public comment.

J. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Pleasant View Estates Subdivision – Dedication -- The applicant has requested that the Township accept dedication of public improvements at the Pleasant View Estates Subdivision located off Callowhill Road, just north of South Perkasio Road. Improvements included construction of a cul-de-sac street and improvements along Callowhill Road, installation of a stormsewer system and detention basin, an open space area maintained as "natural area," installation of street trees, and documentation submitted to verify acceptance of public water and sanitary sewer facilities by Perkasio Borough Authority. etc. This request had originally been made at the January 27, 2003 Supervisor's meeting, however it was denied at that time due to lack of completion of several items. Subsequent to the January 27, 2003 meeting, the applicant provided the necessary documentation verifying acceptance of public water and sanitary sewer facilities by Perkasio Borough Authority. Several other outstanding items are weather-related and cannot be satisfied until the spring, including establishment of grass along the rights-of-way and in the detention basin, which cannot be verified at present due to the snow. A double yellow line is also required to be installed at the intersection of Pleasant View Circle and Callowhill Road, according to PennDot's Highway Occupancy Permit approval, which cannot be accomplished at present due to temperature requirements. Further, there was a low spot in the detention basin, which was filled in, overscdded, and grass has been established, however this cannot be verified at present.

Mr. Corrado, the applicant, and Mr. Chris Zentgraf, the applicant's legal counsel, were in attendance to present the plan. Mr. Corrado has agreed to rectify the outstanding items as weather permits during the 18-month maintenance period.

Mr. Wynn advised that this project's public improvements are guaranteed via an evergreen Letter of Credit by First Penn Bank, which is set to expire on May 25, 2003. The Township has authorized the reduction of the Letter of Credit by \$34,611.61 through releases that have occurred for the project.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept dedication and to commence the 18-month maintenance period for the Pleasant View Estates Subdivision, subject to review of the Maintenance Agreement by Solicitor Grabowski, preparation and execution of all pertinent documents, and completion of outstanding improvements as weather permits. There was no public comment.

2. MS4's – Mr. Wynn presented information concerning MS4's – Municipal Separate Stormsewer Systems. Under the 1999 Clean Water Amendment by the Federal Government, there are regulations that are required and have been prepared by DEP. To meet the requirements of the Federal regulations, the Township must apply for permits from DEP by March 10, 2003. Mr. Wynn explained that the application is a Notice of Intent, which specifies that the Township intends to comply with DEP protocol in order to meet those Federal regulations. There is a very onerous alternative, which Mr. Wynn does not recommend, which is to attempt to draft an entirely new stormwater plan. DEP protocol has established criteria, which includes certain requirements that the Township must accomplish within a five-year period, including public education and outreach, public participation and involvement, discharge protection and elimination, construction site run-off control, post-construction stormwater management, and pollution prevention and good housekeeping. The permit will allow the municipality five years in which to meet the requirements of the protocol. The model Stormwater Management Ordinance is very similar to that which has already been adopted by the Township through Act 167. The protocol provides for implementation of erosion and sedimentation control measures and a process by which permits are not issued by local governments until they have an erosion and sedimentation control plan, which is something Hilltown Township currently does. There is another requirement that a municipality must obtain an NDPES permit where applicable, which is also currently being done by Hilltown. Therefore, some of the requirements under the MS4 regulations, the Township currently complies with. A lengthy discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize Mr. Wynn to forward the Notice of Intent Application for MS4's along with the \$100.00 application fee to DEP by March 10, 2003 as per stipulations as noted above. There was no public comment.

K. MYLARS FOR SIGNATURE:

1. VanThuyne Subdivision
2. McKnight Subdivision
3. Egitto/Kane Lot Line Adjustment
4. Pompei Subdivision
5. Brittany Estates

L. PUBLIC COMMENT:

1. Mr. Wally Rosenthal of Rosie Lane questioned the Act 537 Plan and how it impacts the commercial real estate along Rt. 309 near Swartley Road. Mr. Rosenthal wondered if he could now solicit the Hatfield Authority to provide sewer to his and other properties along that stretch of Rt. 309. Mr. Wynn explained that the Act 537 Plan was approved to provide sewer service to properties along Rt. 309 for treatment of effluent at

the Hatfield Authority plant, however it does not specifically provide for the Hatfield Authority to service that area. Mr. Rosenthal owns 16 acres along Swartley Road that had been re-zoned Commercial, and asked the proper procedure for modifying the Act 537 Plan to serve that 16 acre tract as well. Mr. Wynn advised that land development plans showing the parcels to be served by public sewer, along with Planning Modules would have to be submitted, or in the case of a gravity feed system, Mr. Rosenthal may be eligible to file for an exemption from Planning Modules. Further, Solicitor Grabowski advised that an intermunicipal agreement between the Hatfield Authority and the Township would be required. A lengthy discussion took place. Mr. Rosenthal intends to contact an engineer and begin the process to connect those properties along Rt. 309 near Swartley Road to the public sewer system.

2. It appears very evident to Mrs. Marilyn Teed of Mill Road that there is a need for an Ordinance regulating direct discharge water from driveways running down into the streets. She commented that recently Mill Road was so badly iced over that the Public Works Department had to plow the ice off the road. Mrs. Teed noted that Mill Road had deteriorated several years ago because of water flowing down a driveway across the street from her house, which then froze and huddled the roadway. Mrs. Teed feels there are some relatively inexpensive alternatives to rectify this type of problem, and suggested that an Ordinance be considered to address this issue.

3. Mr. Harry Mason of Morgan Lane commented that people who live in homes with ditches can direct the flow of water into those ditches, however in his case, the flow of water coming down a hill from the rear of his property runs down sidewalks and driveways into the roadway. If the Township considers such an Ordinance as suggested by Mrs. Teed, Mr. Mason urged them to take great care to insure that the Ordinance requirements are not too general.

4. Mr. John Gillespie, the Silverdale Fire Chief, asked if any of the issues discussed at the last Fire Prevention Bureau meeting have been discussed by the staff or brought to the attention of the Board of Supervisors. Mr. Lippincott advised that all issues were discussed with the staff and a memo advising of those concerns was forwarded to the Board of Supervisors for review.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington commented that there are seven fire companies that service Hilltown Township. He attended that last Fire Prevention Bureau meeting that Mr. Gillespie spoke of, where several issues that have been problematic over the years were mentioned. One of those items is the house numbering system for fire and emergency services. This issue has been mentioned in several Township newsletters, and an Ordinance is in place, however many residents do not comply. Therefore, the Fire

Prevention Bureau asked that correspondence be sent to all residents who are not in compliance with the House Numbering Ordinance, based on input from the fire companies, asking them to comply within 30 days or else face the penalties of non-compliance.

Another topic of discussion was those fire companies who had not yet provided their financial statements to the Township as required by the Fire Protection Agreement established with Hilltown Township. Any fire company who does not comply will not receive their funding on time unless their financial statements are provided in full to Hilltown Township. Supervisor Bennington noted that all seven of those fire companies are in non-compliance, and if they do not come into compliance, they will not receive their financial disbursements from Hilltown Township on May 1st.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the February 24, 2003 Hilltown Township Board of Supervisors Meeting was adjourned at 9:05PM.

Respectfully submitted,



Lynda Seimes
Township Secretary
HILLTOWN TOWNSHIP