

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, August 26, 2002
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
Betty P. Snyder, Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bender announced the Board met in Executive Session prior to this meeting in order to discuss legal issues.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Jackson Teed of Mill Road commented that no final figure was given at the last Supervisor's meeting for the anticipated construction costs of the proposed Forest Road Park. Mr. Lippincott advised that anticipated cost is \$1.8 million dollars.

B. APPROVAL OF MINUTES – Action on the minutes of the August 12, 2002 Supervisor's Worksession Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 12, 2002 Supervisor's Worksession Meeting, as written. There was no public comment.

C. CONFIRMED APPOINTMENTS –

1. Mrs. Marilyn Teed – Public Presentation of Future Court Action – Chairperson Bender explained that since Mrs. Teed has a pending Zoning Hearing matter and pending legal action against the Township, a court stenographer was present to insure that all information is accurately captured.

Mrs. Teed advised that under the advice of her legal counsel, she was postponing her "Confirmed Appointment" and would not be speaking this evening as originally planned.

D. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. A petition has been received from residents of Longleaf Estates requesting that a speed control device be installed on Fox Lane, with the exact location to be determined by the Board of Supervisors. With the Board's permission, Mr. Lippincott

would like to review the site with Mr. Wynn. Chairperson Bender also wished to insure that Mr. Buzby, the Director of Public Works, be made aware of the situation. Discussion took place.

2. Mr. Lippincott asked the Supervisors if they wished to schedule a 2003 Budget Worksession meeting. The Supervisors unanimously agreed to advertise and hold the first 2003 Budget Worksession meeting on Wednesday, October 9, 2002 at 6:30PM.

3. A speed survey was conducted on Telegraph Road for its entire length, which determined that an applicable speed of 35 m.p.h. is conducive and proper for the roadway.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize the preparation and advertisement of an Ordinance to reduce the speed of motor vehicles on Telegraph Road to 35 m.p.h. There was no public comment.

4. A request has been received from Beres Construction for a sketch plan review meeting with Mr. Wynn and the Township staff concerning the former Holly Farms property on Rt. 113. The applicant has provided the required \$500.00 escrow.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize a meeting with Mr. Wynn, the Township Staff and representatives of Beres Construction for discussion concerning proposed development of the former Holly Farms property located on Rt. 113. There was no public comment.

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

1. Correspondence was received from State Representative Kathy Watson, who was contacted by several local residents expressing safety concerns about traffic on Hilltown Pike, particularly with the intersection of Diamond Street and Hilltown Pike. Representative Watson contacted PennDot to advise of the safety concerns, which are as follows:

- It is becoming increasingly difficult to pull in or back out of their driveways, and that the passing zone on Hilltown Pike approaching Diamond Street created an unsafe situation.
- No proper signage existed to inform northbound drivers on Hilltown Pike of the impending intersection with Diamond Street, a situation which caused some high-speed drivers to either risk an accident or cause damage to a resident's property, sometimes both.

Representative Watson was informed by PennDot that a study was performed on Hilltown Pike between Rt. 309 and Rt. 152, who determined that a warning sign will be installed in the northbound direction, and the existing passing zones will receive the double yellow "No Passing" designation sometime during October of this year.

F. SOLICITOR'S REPORT – Mr. Francis X. Grahowski, Township Solicitor –

1. Solicitor Grabowski provided a status report for the Home Depot project, located at Rt. 113, Bethlehem Pike and Central Avenue. Tentatively, Home Depot's settlement with the property owner is scheduled for Thursday, August 29, 2002.

2. Three Zoning Hearings are scheduled, as follows – Thursday, August 29, 2002 for Louise Williams, Thursday, September 5, 2002 for Telvil, and Thursday, September 26, 2002 for Marilyn and Jackson Teed, with all hearings beginning at 7:00PM.

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

1. Equestrian Court – Construction activity commenced on August 19, 2002 at the subdivision site located on Mill Road without property notification to either the Township or Bucks Conservation District. At approximately 9:15AM on August 19, 2002, Mr. Taylor, the Township's Code Enforcement Officer, advised the contractor to stop all work until authorized by the Township. The contractor ceased construction activity, and at that point had partially installed silt fence and the site entrance; and had begun stripping topsoil for the detention basin. Subsequently, a pre-construction meeting was held at 9:30AM on August 20, 2002, at which time the contractor was advised by the Township staff, Mr. Wynn and Mr. Groshens of the Bucks Conservation District, of requirements for construction. At that time, the Bucks Conservation District authorized the contractor to proceed however the Township did not. The developer was advised by the Township that they may not continue any work on the site other than to place fill dirt on the site that is being obtained from the work being done along Mill Road. Planning Module approval from the Bucks County Health Department has not yet been received. Supervisor Bennington commented that the contractor's actions are unacceptable. Discussion took place.

2. Lynrose Estates – The time frame for completion of improvements within the Lynrose Estates Subdivision located on Mill Road expired on August 16, 2002. The developer has requested that the Township extend the timeframe for completion until August 16, 2003. The majority of the dwellings have not yet been constructed within this development.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant a one-year extension until August 16, 2003 for completion of improvements within the Lynrose Estates Subdivision. There was no public comment.

3. Grasse Elementary School – The Pennridge School District has requested that the Township accept completion of the maintenance period for improvements, which included storm drainage and buffer plantings at the Grasse Elementary School. Mr. Wynn advised to Mr. McCall of the School District, that one of the required tree plantings has died. Mr. McCall requested that the Township accept successful completion of the maintenance period and release financial security noting that the school district will replace the tree when weather permits.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept completion of the maintenance period for improvements for the Grasse Elementary School, with the condition that the dead tree be replaced as weather permits and to release the Bond for same. There was no public comment.

Public Comment:

1. Mr. Charles Schaeffer of 109 Schultz Road passes by Grasse Elementary School each day and noticed that there is no fence or barrier between the school grounds and the roadway itself. In light of recent events, Mr. Schaeffer suggested that the Pennridge School District be approached about erecting a fence around the school property to insure the safety of the children. Discussion took place.

4. Stormwater Management Ordinance – Mr. Wynn sought direction regarding the finalization of the revised Stormwater Management Ordinance, which is required for adoption by the end of September.

Public Comment:

1. Mr. Jack McIlhinney, representing the Hilltown Landowner's Association questioned the proposed revision to the Stormwater Management Ordinance. Mr. Wynn explained that there is a DEP requirement that the Stormwater Management Act 537 Ordinance be adopted as consistent with the model Tohickon Creek Stormwater Management Ordinance for that portion of the Township that is located within the Tohickon Creek Basin. Mr. Wynn advised that in the past, Hilltown Township has updated every generation of Stormwater Management Ordinance as the entire Township-wide Ordinance so that it is consistent throughout the municipality, which reduces the number of required updates. Mr. McIlhinney asked why only the Tohickon Creek Stormwater Management Ordinance is being updated, but not the other watersheds. Mr. Wynn explained that the Tohickon Creek and the North Delaware Watersheds were both

previously studied and Act 167 Plans were adopted, but were appealed by Tincum Township. Tincum Township, DEP and the Bucks County Planning Commission settled on an Ordinance that adopted a number of Best Management Practices that were not in the prior model Ordinance which was adopted two years ago. That is the Ordinance that all municipalities which are located within the Tohickon Creek Watershed or the North Delaware Watershed are now required to adopt. Each watershed is being treated separately since they are inter-municipal, but the Ordinance must be adopted.

Mr. McIlhinney asked why the Township's existing Stormwater Management Ordinance is not consistent with the proposed model Ordinance. Mr. Wynn stated that the Township's Ordinance was actually much closer to being consistent with what is proposed than most municipality's because Hilltown had already adopted some Best Management Practices which were not required at the time of the first draft, knowing that those requirements were coming in the future. For example, one of the requirements that was changed was provisions and components of Best Management Practices for water quality and water recharge which was significantly revised from the prior generation to this generation. This actually reduces the amount of infiltration necessary on a site on one hand, but on the other hand, it would require more property owners to do infiltration because now that the volume is less, more sites would be able to infiltrate. Mr. Wynn noted that Hilltown's prior Ordinance required the volume of a two-year storm to be infiltrated if possible, but the current proposed Ordinance does not. That whole calculation has been revised to a calculation based on a one inch rainfall.

Mr. McIlhinney asked what would happen if the Township does not adopt this proposed Ordinance. It is not clear to Mr. Wynn what would happen, however he noted that usually it will tie into State funding for the municipality.

Mr. McIlhinney reiterated that the Hilltown Landowner's Association is opposed to this Ordinance and the way it is written at present. Mr. Wynn still does not know what specific sections of the proposed Ordinance Mr. McIlhinney is opposed to, and requested that Mr. McIlhinney note those specific in writing for Mr. Wynn to review and to respond to. A lengthy discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize advertisement for Public Hearing to consider the possible adoption of the proposed Stormwater Management Ordinance for the September 23, 2002 Supervisor's Meeting. There was no public comment.

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

1. Wawa Land Development (Prel.) – Mr. Michael Macaninch, the applicant's legal counsel, Mr. Rob Irons, the applicant's engineer, and Mr. Greg Reese of Wawa, were in attendance to present the plan.

Mr. Irons explained that the Wawa is proposing to construct a 6,300 sq. ft. prototypical convenience Wawa Food Market at the intersection of Bethlehem Pike and Rt. 113. A canopy to house six multiple product dispensers (or MPD's) at which customers can purchase gasoline is proposed. Seventy-two dedicated parking spaces are proposed to the front and side of the building. The building is somewhat unique in that it is a front/back building, with entrances at both locations. Street trees and buffering is proposed along each of the frontages, with sidewalk in those locations as well. In terms of access, one full movement access is proposed along Bethlehem Pike, and one full movement access and one right in/right out access, which will be slightly modified from what is shown on the plan to include a concrete median, is proposed along Rt. 113. Mr. Irons advised that the site is currently serviced by public water and sewer, and will require a small extension of public water for the area along Rt. 113. Trucks with the oversized drive aisles of 30 to 32 ft. will have the ability to circulate throughout the site. There are three 20,000-gallon underground motor fuel tanks proposed. The plan provides for oversized vehicle parking.

With all the problems Hilltown Township and surrounding communities have been experiencing with TCE contamination, Supervisor Bennington asked how Wawa can guarantee that their gas tanks will not leach into the soil in the future. Mr. Irons explained that the underground storage tanks are proposed to be constructed of double-wall fiberglass tanks, with a monitoring system located between the double wall to monitor either a breach from the inside or the outside of the tank. In addition, the space between the double walls, which is called a Bryan System, is monitored in terms of its level. If there is any modification to that level, the system automatically shuts down and an alarm will sound inside the store, and at Wawa Corporate Headquarters. There will also be monitoring wells installed at the downstream end of the site, which will be tested on a quarterly basis by Wawa operations. Mr. Irons noted that Wawa has its own operational staff, headed by Mr. Scott Bourse and Mr. Matt Winters, who provide and are required to set forth quarterly inspections of the store. Any store employee will also be trained in emergency response in the day-to-day operations of the facility. The piping that runs from the tanks to the dispensers is also double wall and has sensors like the systems he previously referred to. Beyond that, pans are placed beneath each dispenser, which are also sensed. Mr. Wynn commented that all of the monitoring systems as described by Mr. Irons are inspected and controlled by DEP. Mr. Irons noted that Wawa can substantiate that they meet or exceed any of the requirements of DEP for purposes of gasoline/motor fuel operation and monitoring at the site. For instance, the monitoring

wells on the downstream side of the site are not required, however Wawa installed them as an extra safety precaution.

Chairperson Bender asked if any of the Wawa sites have been involved with fuel leaching into the ground. Mr. Irons is not aware of any Wawa sites being involved in this type of situation. Supervisor Bennington wondered if DEP has rejected any proposals for new gasoline stations, and directed Mr. Lippincott to research the matter. Supervisor Bennington is very concerned that even with the state-of-the-art equipment and technology in use today, fuel leaching into the ground might take place.

Public Comment:

1. Mr. Bob Wendig of Bypass Road suggested that the applicant provide quarterly reports to the Township for review. Mr. Macaninch replied that they would.

Prior to conditional final plan approval being granted and as a condition of preliminary plan approval, Supervisor Bennington would like to hear expert testimony at a public meeting, assuring the Township that fuel leaching into the groundwater supply is an impossibility with the new technology involved today.

The Planning Commission unanimously recommended preliminary approval of the Wawa Land Development Plan located at the intersection of Bethlehem Pike/Rt. 113, conditional upon completion of items contained in Mr. Wynn's engineering review dated August 5, 2002, with the following noted and/or modified:

Request for modification of Land Development Ordinance regulations as contained within Item #3 of the August 5, 2002 engineering review were approved with the following conditions:

Item 3.A – The access driveway width waiver is recommended for approval subject to a mountable curb island being installed in the eastern access, which is a right turn in/right turn out only design.

Item 3.B – The minimum open space required between the non-residential building and parking space is recommended for waiver contingent upon verification of approval by the fire company servicing the area.

Item 3.C – Approval to use high-density polyethylene pipe for the sub-surface basin and corrugated metal pipe for extension of the existing 48" diameter metal pipe was recommended for approval subject to the pipe being installed in accordance with manufacturer's specifications.

Item 3.D – Grading within five feet of the property boundary is recommended for approval subject to installation of a perimeter fence during construction.

Item 3.E. – The request for waiver of full width leveling/overlay of existing streets within the frontage of the site is recommended for approval subject to compliance with any requirements that PennDot may have regarding overlay paving.

Supervisor Bennington asked if the applicant has conducted an investigation of the existing contamination on the site. Mr. Irons has not, however Summit Realty Partnership, who is the owner of the site and who will be leasing it to Wawa, has done a study of the site, and they discovered that there is no groundwater contamination. Mr. Irons will provide the Township with a copy of that report. In terms of the soil, there is an area of the site that contains leftover lead slag. As part of the remediation of that area, the property owner will move forward under Act 2 requirements, which requires soil segregation and limitations of the pathway of that contaminated soil. The soil in this area will be placed underneath the asphalt in order to eliminate the pathway, so that there is no ability for any individual to be in contact with the lead slag. There is also a soil segregation that will be done during construction of the site, in that the soil will be segregated, with some aspects of the soil removed from the site, and other areas of the soil that will be dried out and then re-compacted on the site at 95% compaction. All of this work is being done by Earth Engineering, which will then be reviewed by DEP. A lengthy discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to approve the five waivers for the Wawa Land Development, as noted above. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Wawa Land Development, pending completion of all outstanding items as noted in Mr. Wynn's August 5, 2002 engineering review, and upon receipt of reports of ground and water contamination, and documentation regarding the new proposed fuel holding tanks, as well as the receipt of monitoring and concurrent reports regarding contamination as they are prepared. There was no public comment.

2. Pompci Subdivision (Prel.) – No one was present. No action required at this time.

I. MYLARS FOR SIGNATURE:

1. Blaxall Lot Line Adjustment (Estate of Valentine Lee)
2. Fedele Minor Subdivision

J. PUBLIC COMMENT:

1. Mr. Jack McIlhinney of Broad Street commented that the Planning Commission at their worksession meetings had mentioned the possible deletion of 50,000 sq. ft. lots with public water in the RR Zoning District, and future discussion of public water in the RR District and its potential affect of the over-development of that Zoning District. Mr. McIlhinney asked under what authorization the Planning Commission decides to investigate the possible amendment to Ordinances, when it has not been directed by the Board of Supervisors, in accordance with the MPC, Section 209.1.B.2, which states that the Planning Commission works under the direction of the Supervisors. Supervisor Snyder, who is also a member of the Planning Commission, explained that they are considering reviewing and investigating 50,000 sq. ft. lots in the Rural Residential Zoning District. Being a recommending body, Chairperson Bender noted that the Planning Commission over the years has often brought possible Ordinance amendments or revisions to the attention of the Board without the Supervisor's direction for their possible consideration. Supervisor Bennington replied that he does not recall the Board of Supervisors directing the Planning Commission to discuss these particular issues, however he noted that the Planning Commission can discuss and review whatever they wish to. Solicitor Grabowski stated whenever there is a public meeting with individuals present, they may discuss whatever they wish to discuss. Solicitor Grabowski commented that it is just common sense that the Planning Commission, who have the best interest of the Township at heart, will discuss issues of zoning and land use planning at a public meeting, whether it is at the specific direction of the Board of Supervisors or not. A lengthy discussion took place.

2. Mrs. Marilyn Teed of Mill Road agreed with Mr. Schaeffer's earlier suggestion regarding fencing elementary school properties, and suggested that a 6 ft. high chain link fence be considered. The Supervisors directed Mr. Lippincott to contact Mr. Denis McCall of the Penridge School District to discuss this matter further.

3. Mr. Jim McCauley of 1730 Hilltown Pike lives behind the proposed Equestrian Court Subdivision, and has serious concerns about stormwater runoff on his property. He wished to insure that the stormwater issues have been properly addressed so as to take the water away from his property toward Mill Road to be handled by the development's detention basins and inlet system. Mr. Wynn will contact Mr. McCauley to discuss this matter further and to review the runoff plan.

4. Mr. Ed Seigfried of Telegraph Road expressed concern with the Hilltown Chase Subdivision, and questioned why the extension of Beverly Road is blocked off during construction activity. Mr. Wynn explained that there was a condition of final plan approval that Beverly Road remained blocked during the construction activity so that construction vehicles do not travel through a residential neighborhood. Mr. Seigfried does not understand why Telegraph Road is not considered a residential neighborhood. He finds it interesting that one individual who fought the extension of the Beverly Road cul-de-sac with regard to this development, now sits on the podium as a Supervisor. Supervisor Bennington asked who Mr. Seigfried was referring to, and he replied that it was Supervisor Snyder. Supervisor Snyder stated that she does not, nor has she ever, lived on Beverly Road. Mr. Seigfried apologized for his error, however he still objected to all of the construction activity and additional traffic that the Hilltown Chase Subdivision is generating. Mr. Seigfried also noted that construction activity on the Hilltown Chase site sometimes begins as early as 6:00AM. Mr. Lippincott advised residents to contact the Police Department if construction activity begins prior to 7:00AM.

K. SUPERVISOR'S COMMENTS: None.

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

M. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the August 26, 2002 Board of Supervisors Meeting was adjourned at 9:20PM.

Respectfully submitted,



Lynda Seimes
Township Secretary