

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Tuesday, May 29, 2001
7:30PM

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:30PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson
Betty P. Snyder, 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 Bennington announced that the Board of Supervisors met in Executive Session prior to this meeting in order to discuss legal and personnel matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Ms. Mary Schiavonne of 822 Township Line Road has heard arguments against recreational open space for the Berry Brow property, because it would be cost prohibitive to maintain. She was advised that the Township had to spend \$50,000.00 to purchase equipment to maintain the Civic Park and other Township-owned property. If the Township is able to obtain approximately 132 acres of open space, most likely worth \$3 or \$4 million dollars, Mrs. Schiavonne wondered if would the Supervisors consider "looking a gift horse in the mouth" over a \$50,000.00 expenditure. Many people are in favor of having a golf course on the Berry Brow site, with the thought that it would bring in tax revenue. However, Ms. Schiavoime noted that a golf course would be at the expense of the surrounding property owners who are now concerned with their wells, since it is a fact that a golf course uses approximately 6 million gallons of water per month. Another argument in favor of a golf course is that the Township already has open space that it does not have the funds to purchase tot lot equipment for or to build sports fields for. Ms. Schiavonne advised that land is not a renewable commodity and the Township may not always be so fortunate to find it available. Tot lot equipment and the know-how to construct sports fields will always be there, however open space land may not. If open space is sacrificed for a golf course, Ms. Schiavonne wondered how long it would take the Township to raise that much money from the additional wage tax to obtain a parcel of open space of this size. Ms. Schiavonne reminded the Supervisors of the Open Space Referendum that was approved by Township voters in November of 2000, the purpose of which was to obtain open space. Ms. Schiavonne asked the Supervisors to support the residents of Hilltown Township by voting for open space for the Berry Brow Subdivision, not a golf course.

2. Mr. Bill Anglim of Rickert Road agreed with Ms. Schiavonne, and noted that this could be Hilltown Township's chance for the beginning of a Fairmount Park or New York Central Park, with the amount of land available in the Berry Brow Subdivision.

3. Mr. John Kachline of Mill Road supports the idea of a golf course for Berry Brow Farm open space, primarily for producing revenue for the Township. There has been a trailways plan for Hilltown Township for four years now, and to date, he does not believe one mile of trail has actually been constructed. He would like to see the Township obtain some income-producing property, as opposed to passive open space.

4. Mr. Jack McIlhinny agreed with Mr. Kachline that a golf course should be constructed on the Berry Brow site.

B. APPROVAL OF MINUTES – Action on the minutes of the April 30, 2001 Supervisor's Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the April 30, 2001 Supervisor's meeting, as written. There was no public comment.

Action on the minutes of the May 14, 2001 Supervisor's Worksession Meeting – motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the May 14, 2001 Supervisor's Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated May 30, 2001, with General Fund payments in the amount of \$44,908.95, and Escrow Fund payments in the amount of \$769.94; for a grand total of all payments in the amount of \$45,678.89.

Supervisor Snyder questioned bills from MBNA America Business Card that lists various PSATS Convention charges/software and other purchases, which appears under different categories throughout the Bills List. Mr. Lippincott explained that MBNA America Business Card is the Township's credit card, and the statement groups several different charges together, which is why it appears under different categories.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated May 30, 2001. There was no public comment.

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

1. Last month, the Board tabled two proposals (one from Heritage Conservancy and one from the Bucks County Planning Commission) regarding the Township's Community Development Block Grant Funding. The Heritage Conservancy proposal considers the possibility of the Conservancy staff evaluating all of the villages in Hilltown Township, with the idea of selecting two to be nominated to the National Register of Historic Places. The Bucks County Planning Commission also submitted a proposal to prepare a historic village plan for the village of Blooming Glen only.

Supervisor Snyder prefers the Bucks County Planning Commission's proposal because they appeared willing to go more in depth for the village of Blooming Glen, and they also offer Ordinance revision assistance that the Township may be able to apply to other situations, such as establishing an Historical District, which she feels would be beneficial to the Township. Chairperson Bennington was also very impressed by the Bucks County Planning Commission's proposal. Discussion took place.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to accept the proposal from the Bucks County Planning Commission to prepare a historic village plan study for the village of Blooming Glen using Community Development Block Grant Funds, as noted above. There was no public comment.

2. A request has been received from Hilltown Cub Scout Pack #189 to waive Scout Cabin rental fees for the use of the cabin on Friday, June 8, 2001 from 4:00PM to 9:00PM. The Cub Pack has agreed to provide a \$100.00 security deposit.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to waive Scout Cabin rental fees for the Hilltown Cub Pack #189 for use of the cabin on Friday, June 8, 2001. There was no public comment.

3. There are six escrows for consideration this evening, five of which are cash held by the Township:

Cinnabar Farms (Spolar)	Voucher #01	\$ 21,852.00
Country Roads Subdivision	Voucher #1B	\$ 111.30
Country Roads Subdivision	Voucher #2B	\$ 2,388.70
Lynrose Estates	Voucher #13	\$ 234.67
Tall Oaks Subdivision	Voucher #6A	\$ 110.62
Tall Oaks Subdivision	Voucher #7A	\$ 4,474.30

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to authorize the release of the six escrows as noted above. There was no public comment.

4. Mr. Paul Abdalla from Heritage Construction was present to discuss the developer's request to change their reserved lot status for Longleaf Estates II.

Prior to the discussion concerning the reserved lot status for Longleaf Estates, Chairperson Bennington noted that once again he received complaints at his home last weekend regarding sprinklers leaking within two of the dwellings in Longleaf I. Mr. Abdalla, along with one of the residents of Longleaf Estates who was affected by the leaking sprinklers, Mr. Reppert, and Mr. Gornley from HAS Protection were in attendance. They met at the Township today with Mr. Lippincott and Mr. Taylor. The final resolution was that Heritage Construction has agreed to extend the homeowner's warranty for both residents for another year, and HAS Protection has agreed to extend the warranty for future repairs, which hopefully will not happen again. Mr. Abdalla explained that Heritage currently has two sprinkler companies involved. The recent leaks were in dwellings constructed in the first phase of the development, when HAS Protection installed the sprinkler systems. Mr. Abdalla intends to schedule a meeting with the two homeowners, the Hilltown Authority, and any other interested parties in an attempt to determine exactly why these two particular sprinkler systems are leaking. Chairperson Bennington was upset that for a second time, he was contacted at home by property owners in the Longleaf Development complaining of leaking sprinkler systems in their home. After the first time this happened, Mr. Abdalla had assured the Supervisors that it would not happen again. Mr. Abdalla commented that both sprinkler leaks were reported to Heritage on Thursday, and HAS Protection reported to the site the next morning. Supervisor Snyder asked if the warranty extension will be offered to all of the homeowners in Phase I of Longleaf Estates or just these two problem locations. Mr. Abdalla replied that there are ten residents in the first phase, and the warranty extension could be extended to all of them, however the remaining eight dwellings have not experienced any leaking sprinkler incidents to date. Mr. Reppert and Mr. Westenberger are the two property owners who have had sprinkler leaks in their homes. Chairperson Bennington does not want to receive a third complaint on this issue. Supervisor Bender asked if Heritage will also be responsible for any damage caused by leaking sprinklers for an additional year. Mr. Abdalla replied that they will.

Mr. Reppert believes the problem lies with the installation of the sprinkler head, since every time there has been a leak, the head is either too tight or too loose. The head consists of a plastic elbow with an insert of brass, and there does not appear to be any torquing. It seems that when the sprinkler system is installed and the piping is put in place, the heads are then turned on, though there are no safeguards to determine whether they are too tight or too loose. There also appears to be a water pressure problem,

because Mr. Reppert's system, and his neighbor's system tend to leak at the same time. Mr. Reppert has chosen to deactivate his sprinkler system, and has not allowed HAS Protection to activate it at this time. He and his family will be away for three weeks this summer, and he does not feel that the system can be trusted. As far as Mr. Reppert is concerned, this sprinkler system has no integrity. When he phoned in his complaint last Thursday evening, the sprinkler system had actually leaked into his children's toy box. Mr. Reppert suggested to Mr. Abdalla that the sprinkler heads be connected with the elbows and then attached to the system, because he believes the overhead torquing is not working. Discussion took place.

Mr. Reppert understands that the flow valves in Phase I are $\frac{3}{4}$ ", while the flow valves in Phase II are 1", and wondered if this could have any bearing on the leaking problem. He has been told that one of the causes for leakage may be when the Authority opens or closes the hydrants, or if they are flushing the water system, which would cause a spike in pressure. If that was the case, Chairperson Bennington stated that it would cause other sprinkler systems in Phase I to leak at the same time.

With Mr. Reppert's sprinkler system deactivated at this time, Chairperson Bennington asked who would be responsible if there is a fire in Mr. Reppert's home while the sprinkler system is deactivated. Mr. Reppert's insurance company advised him that Heritage Construction would be responsible if that were to happen.

Supervisor Bender asked if the Hilltown Authority has been involved in any discussions concerning the spikes in pressure possibly having a bearing on the sprinkler leaks. Mr. Abdalla explained that upon proceeding with Phase II, Mr. Taylor, the Building Inspector, and Mr. Stockert of the Hilltown Authority met to discuss the sprinkler systems. Mr. Stockert advised that there is an alarm on the system that will not allow the system to go over 90 lbs. of pressure. Supervisor Bender recalls that in previous discussions, the developer mentioned that the sprinkler lines contain some form of anti-freeze as well as water, and was concerned that antifreeze would be leaking into dwellings. Mr. Gormley explained that there is a 50/50 water and glycerin solution used.

The Supervisors directed Heritage to schedule a meeting with representatives of the Hilltown Authority as soon as possible, and to keep the Board apprised of the situation.

With regard to the applicant's request to change their reserved lot status for Longleaf Estates II, Mr. Abdalla believes all of the outstanding issues and punch list items for Longleaf Estates I have been accomplished. Mr. Wynn advised that the open space area was re-graded and seeded this past spring, however it has not yet been stabilized. The paved path going into the open space area from Orchard Station has not yet been installed. Heritage has agreed to extend the path an extra 450 ft. through the open space area and back to the sidewalks within the development. However, they want to delay that

work until the tot lot is installed since access for the tot lot would be through the same area as the path, and Mr. Wynn feared that the path could be damaged during tot lot construction. Mr. Lippincott noted that the tot lot is scheduled to be installed the week of June 4th, depending on weather. Other items in Longleaf I are all punch list items the developer has been working on, including curb replacement, manhole work, and roadway paving in Phase I.

The issue Solicitor Grabowski raised at the last worksession meeting involved the increased 10% on the escrow, and an amended Letter of Credit reflecting that increase was received today. Solicitor Grabowski explained that there is a current development agreement recorded at the Bucks County Recorder of Deeds office, which lists the 15 lots by number. The applicant is requesting to substitute other numbered lots for those, and if this were to be done on a one-by-one basis, there would be a multitude of amendments to the agreement that would have to be recorded each time there was an amendment. Therefore, Solicitor Grabowski recommended that if the Board considers Heritage's request, the amount of times the agreements are amended should be minimized. Supervisor Snyder would agree to just one amendment, and noted that possibly the best system would be their suggestion to release all of the lots, and when they get down to the last 16 lots, the amended agreement could be recorded. If the Township was willing, Mr. Abdalla could prepare a list of the specific lots and provide it to Mr. Lippincott tomorrow.

Supervisor Bender feels as though the Township has become an extension of the marketing and office staff of Heritage Building Group because we are constantly having to follow-up with outstanding issues for this and every other Heritage development until everything is accomplished. Therefore, Supervisor Bender is not inclined to grant their request. The Supervisors unanimously agreed to deny the request from Heritage Construction to change the reserved lot status for Longleaf Estates II.

***8:00PM – PUBLIC HEARING – Chairperson Bennington adjourned the regularly scheduled May 29, 2001 Board of Supervisors meeting in order to enter into the advertised Public Hearing to consider the amendment of Article XI, Floodplain Standards of the Hilltown Township Zoning Ordinance to comply with suggested provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act (1978-166).**

Mr. Wynn explained that the Township received notification that the floodplains that involve Hilltown Township have received various requests for map determinations since 1999, and in some municipalities, those map determinations have altered the floodplain. The notification to Hilltown indicates that the four map determinations made in Hilltown Township did not change the mapping other than the map date, which has been revised. This Ordinance amendment would revise the Zoning Ordinance to recognize the new

FEMA map as dated June 20, 2001; and also adds the language "or most recent revision thereof as discussed with FEMA." At present Hilltown's Ordinance does not contain that added language and refers to a specific dated map that will no longer be in effect as of June 20, 2001. Mr. Wynn advised that the Bucks County Planning Commission and the Hilltown Planning Commission reviewed this proposed amendment and both have recommended it for approval. Discussion took place.

PUBLIC COMMENT: None.

Solicitor Grabowski noted that this proposed Ordinance amendment was advertised in the Doylestown Intelligencer on May 4 and May 11, 2001, pursuant to the Municipalities Planning Code.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to adopt **Ordinance #2001-1, amending Article XI, Floodplain Standards of the Hilltown Township Zoning Ordinance of 1995, as amended, to comply with suggested provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act (1978-166), Section 60.3(b).** There was no public comment.

Chairperson Bennington adjourned the advertised Public Hearing at 8:10PM and reconvened the regularly scheduled Board of Supervisors meeting of May 29, 2001.

D. MANAGER'S REPORT (Continued) –

5. At the last meeting, the Board tabled a request for review by Township staff of a sketch plan from Prime Properties pending receipt of additional information. Mr. Ed Wild, who is representing the applicant, was present to discuss the proposal and the applicant's request. Mr. Wynn's engineering review dated May 15, 2001 notes that the plan proposes development of a 15 acre site into nine building lots ranging in size from 50,000 sq. ft. to 63,054 sq. ft. arranged on an awkwardly designed public street. An additional lot containing 33,946 sq. ft. is identified as "open space" and contains an "approximate location – community sewage facilities." Proposed water service is not identified on the plan.

Mr. Wild explained that there is a bit of history with this property, which was known as the Hager Subdivision plan approximately 9 years ago. There were two lots developed from the original subdivision, with some conditions and restrictions with regard to public water supply and on-lot sewer imposed on the remaining lot at that time. Prior to coming to the Planning Commission at their June meeting, the applicant felt it would be helpful to have an administrative discussion with Mr. Wynn and Mr. Lippincott. Supervisor Snyder is not certain what the applicant feels they will take away from an administrative

meeting. Mr. Wild replied that they hope to obtain additional information, background history, and perhaps some feedback as to how the applicant could provide public water to the site. Discussion took place.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize a sketch plan review of the Prime Properties proposal by the Township staff, pending receipt of a \$500.00 escrow. There was no public comment.

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

1. Correspondence has been received from DCNR issuing approval of Part II Application (construction and bidding documents) for the Keystone Pedestrian/Bike Path Grant project.

2. Correspondence has been received from Mr. Carl Tosi of PennDot in response to Mr. Lippincott's May 17th letter seeking clarification of the replaced driveway pipe at the intersection of Hayhouse and Blooming Glen Roads. Chairperson Bennington was disappointed with the response from PennDot.

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

1. Solicitor Grabowski explained that the Pennridge Area Coordinating Committee (PACC) is a consortium of municipalities located within the Pennridge School District who have joined together to retain the services of Borten-Lawson Engineering of Wilkes-Barre to conduct a regional water resources inventory and study of the Pennridge area. Hilltown Township had applied for and was awarded a grant through the Commonwealth of Pennsylvania. The actual professional service agreement with the engineering firm and a separate agreement with the Bucks County Planning Commission are also required. The Bucks County Planning Commission's payment is actually in-kind services and will be paid directly through the Commonwealth through the grant process. The cost of the engineering study will be absorbed through the grant money and through the contributing members of the PACC. The amount to be paid by Hilltown Township is approximately \$7,000.00. The contracts will be available for acceptance and execution following this meeting.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to accept the agreements as prepared by the Bucks County Planning Commission for the PACC water resources study and to authorize execution of those documents. There was no public comment.

2. The Kunkin Associate Truck Terminal Project located on Bethlehem Pike and Central Avenue has not yet been completed pursuant to the schedule provided by the

developer. The development agreement provided for \$15,000.00 of funding to guarantee the proper installation of the berm along the street and other specific work, which has not yet been completed. In addition, there were other items that have not yet been completed that Mr. Wynn has very clearly indicated to Kunkin Associates as recently as April 9th. A letter of response was received on April 30, 2001 from the engineering firm representing Kunkin Associates, advising of when they expect to have the uncompleted work accomplished. Also in this response is a request for an extension of time to complete this work and to request that the existing bond be extended until June 1, 2002. The existing bond will expire on June 1, 2001, and the work required by that bond has not been completed. There was additional work that was not guaranteed that has not been completed as well. Therefore, Solicitor Grabowski and Mr. Wynn recommended that the escrow be increased to approximately \$54,000.00 and to authorize default of the original bond issued for Kunkin Land Development.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to declare Kunkin Associations in default of the original bond issue that expires on June 1, 2001 for work not completed per the agreement. There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant an extension until October 1, 2001 to Kunkin Associates for completion of outstanding items, as noted above. There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to increase the escrow for Kunkin Associates to \$54,000.00. There was no public comment.

G. CONFIRMED APPOINTMENTS:

1. Mr. Richard McBride – Berry Brow Farm Subdivision – Mr. McBride explained that the applicant met with the Board of Supervisors late last year, and at their direction, met with the Planning Commission, the Open Space Committee, and the Park and Recreation Board earlier this year. Mr. Nicholas also hosted a tour of his property for members of those various boards and commission to consider the proposal of a golf course or recreational open space for the Berry Brow Farm Subdivision open space. Mr. McBride is present to seek the Board's ultimate direction as to how they wish to proceed. The Township and the Nicholas family have held in abeyance the preliminary plan that was submitted approximately 2 years ago, which was for 226 lots under the Ordinance that existed at that time.

Chairperson Bennington asked if the applicant has done a feasibility study for a golf course for that property. Mr. McBride advised that there have been studies done by

potential golf course developers, however no one has committed beyond that until the developer knows they have the ability to proceed with the Ordinance and the development specifics. Discussion took place.

The Board of Supervisors suggested a third option, which would be for the developer to lay out the open space in Berry Brow Farm as though it were to be a golf course configuration, which the Township itself could develop into a golf course at a later date if they so choose. Mr. McBride commented that this suggestion was briefly broached during the tour of the Nicholas property. Supervisor Snyder would like to protect the viewscape from Hilltown Pike, since it is presently included in the Township's Open Space Plan. She would not like to see that viewscape blocked by houses. Discussion took place concerning where the Township's open space for a possible future golf course might be located.

Public Comment:

1. Mr. Jack McIlhinny feels this suggestion by the Supervisors is a good one, and supports a community golf course, which would provide a revenue stream for the Township.

2. Mr. William H. Bennett, Jr. of Fairhill School Road favors a golf course for the Berry Brow property. It is generally conceded that a golf course requires approximately 125 to 150 acres; however Doylestown Country Club's golf course is constructed on only 105 acres. Mr. Bennett heard comments in the past few months that a golf course is not open space, however he totally disagrees. Other people are concerned about walking trails, however Mr. Bennett noted that the planning for this property so far indicates that there would be walking trails throughout this development. Mr. Bennett feels that this is probably the first and last time Hilltown Township would have the opportunity to construct a golf course, with the amount of property that is required. From a financial standpoint, Mr. Bennett believes that the Township could realize \$200,000.00 to \$300,000.00 in revenue every year from a golf course. On the other hand, if this property is only retained as open space, Mr. Bennett stated that it would cost the Township possibly \$50,000.00 to maintain.

3. Mrs. Alice Kachline of Mill Road completely agrees with Mr. Bennett. As the local Tax Collector, she often sees the strain on senior citizens with the escalating school taxes, and sees a golf course as a potential moneymaker for the Township. Mrs. Kachline is concerned that if the property were to remain as recreational open space, the Supervisors might have to raise Township taxes just to provide proper maintenance of the open space. Mrs. Kachline quoted a member of the Park and Recreation Board who stated that he has never seen an ugly golf course, a statement that she totally agrees with.

4. Mr. Harry Mason of Morgan Lane is confused by the third option proposed by the Supervisors. It appears as though the developer is being asked to lay out the open space as a golf course, but not actually make it into one. However, he does not believe the developer will be willing to put out the money needed to lay out the golf course as such. Chairperson Bennington explained that the developer will not be laying out the golf course, they would lay out the open space where the Township could ultimately, if they so desired in the future, could construct a golf course. Mr. Mason asked if the property would be graded as though it was a golf course, and Chairperson Bennington replied that it would not.

The Board of Supervisors totally support this third option, and suggested that Mr. McBride begin discussions with Mr. Wynn, Township Engineer, to lay out the open space in the Berry Brow Subdivision for dedication to the Township such that it would be in a configuration that the Township could ultimately develop into a golf course. If that is the case, Mr. McBride recommended that at the same time the Township consider an Ordinance for a golf course, which will not be entirely different from the current Ordinance other than that it will make it a conditional use defining the manner in which the open space is laid out. Solicitor Grabowski agreed that an Ordinance would be required, however he wished to make it clear that the Township will not accelerate any process for this particular project. Supervisor Bender asked the purpose of this new Ordinance. Solicitor Grabowski explained that the current Zoning Ordinance does not address golf courses. Supervisor Bender understands that, however he noted that by pursuing this third option, the Township is not developing a golf course at this time, they are asking that the open space be laid out in such a fashion that a golf course could be constructed in the future. Solicitor Grabowski stated that the Township must insure that the golf course is properly restricted for the future. A lengthy discussion took place.

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

1. Rambo Subdivision (Prel.) – The Planning Commission reviewed the sketch plan for a proposed pathway along the frontage of the Rambo Subdivision on Schultz Road. The plan includes installation of a 4 ft. wide stabilized grass shoulder, which extends along the portion of Keystone Drive, a 2 ½ ft. wide grass strip, and 4 ft. wide asphalt path, all constructed within the ultimate right-of-way of Schultz Road. Additionally, street trees required along Schultz Road have been grouped in an informal arrangement along the frontage of Lots #2 through #5.

At their meeting held on April 16, 2001, the Planning Commission approved a motion recommending denial of the Rambo preliminary subdivision plan due to lack of sidewalks along the site frontage. After review of the proposed pedestrian path along Schultz Road, the Planning Commission unanimously approved a motion recommending conditional preliminary approval subject to the following:

- A pedestrian path must be installed along the Schultz Road frontage of the site as shown on the sketch plan dated April 17, 2001, prepared by Dennis Litzenberger.
- A fee-in-lieu-of installation of pedestrian path/sidewalk along Keystone Drive must be contributed to the Township in an amount established by the Board of Supervisors.
- Final plans must be revised to address all outstanding items contained within the March 12, 2001 engineering review. On March 19, 2001, Mr. Ed Wild, Esq. representing Robert Rambo, indicated that all items within the March 12, 2001 correspondence are "will comply issues."

Mr. Ed Wild, the applicant's legal counsel, questioned whether the fee-in-lieu-of installation of the pedestrian path/sidewalk along Keystone Drive would be necessary or appropriate, because he does not believe that Keystone Drive can accommodate a sidewalk or pedestrian path due to the topography of the site, the roadway elevations, and the fact that the lots themselves for this subdivision are so large. Mr. Wynn suggested that the applicant offer a fee equal to what installation of a pedestrian path along Keystone Drive would cost. With that said, Mr. Wynn noted that there are some underlying costs involved with the pedestrian path on Keystone Drive, other than the path itself, because there would be a substantial amount of grading and tree removal required, which would actually make it a more expensive proposition than the construction of the path on Schultz Road. The cost of a pedestrian path, if it were being constructed in areas of the Township open space would certainly be much less than constructing it along Keystone Drive since there would not be nearly as much grading involved. Discussion took place.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant conditional preliminary plan approval to the Rambo Subdivision, subject to completion of the items listed above and resolution of the issue of the sidewalk/pedestrian path along Keystone Drive during the final plan approval stage.

2. Alloy and Stainless Fasteners (Prel.) – This two lot industrial subdivision and land development was unanimously recommended for preliminary approval subject to completion of all conditions noted in the May 10, 2001 engineering review, with Planning Commission recommendation of approval of the waivers requested by the applicant relative to depth of detention basin, basin landscaping, and separation between the outside wall of the proposed buildings and parking areas, with the latter waiver conditional upon written verification of approval from the servicing fire company. While there are a number of plan revisions necessary to address all of the items of the May 10, 2001 engineering review, the applicant's legal counsel, Mr. Michael Yanoff, indicated

that the applicant agrees to comply with all the requirements in a manner satisfactory to the Township. The plan has been recommended for preliminary approval by the Planning Commission subject to the outstanding conditions partly because of the limited available sanitary sewer capacity at the Telford Borough Authority. The applicant then explained that the Telford Borough Authority would not allow his client to reserve capacity until a preliminary plan approval has been granted by the Township.

Mr. Michael Yanoff, the applicant's legal counsel, and Mr. Jerry Gorski, the applicant's engineer, was in attendance to present the plan. The applicant is seeking the following waivers:

- From Section 305.J.4 – The maximum permitted pool depth for the 2, and 10-year design storm is 24 inches and 36 inches for the 100-year design storm. Proposed basins do not meet these requirements, as wetland basins, including deep-water zones, are proposed. The applicant is proposing installation of post-and-rail fence, with wire mesh around the perimeter of each basin.

Mr. Wynn's review notes that pool depth can exceed the above stated maximum depths when approved by the Board of Supervisors, and if the basin is fenced and landscaped in accordance with Ordinance #2000-5. While post and rail fencing is proposed, no portion of either basin is landscaped in accordance with Section 305.J.7.c of Ord. #2000-5. Further, basin 2 fencing, while not extending into the front yard along Reliance Rd., does not enclose the entire area of the 100-year water elevation in the basin.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant waiver of Section 305.J.4, regarding detention basin depth, to the Alloy and Stainless Fasteners Land Development. There was no public comment.

- From Section 305.N of the Stormwater Management Ordinance – Both proposed detention basins must be planted in accordance with Sections 305.J.7.c of the Ordinance #2000-5.

Mr. Wynn's review notes that no basin landscaping other than wetland groundcover is proposed at this time. The applicant is requesting partial waiver of this requirement to eliminate required basin perimeter plantings along the portion of basin 2 adjacent to Reliance Road. The applicant further suggests that Class "A" perimeter buffering proposed along Reliance Road would duplicate the intent of the proposed basin planting at this specific location. If this waiver request is granted, Chairperson Bennington suggested that the applicant plant an equal number of trees at one of the Township's open space parcels, Township parks, or provide a fee-in-lieu of the plantings.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant waiver of Section 305.N of the Stormwater Management Ordinance to the Alloy and Stainless Fasteners Land Development as noted above, with the condition that an equal number of plantings be provided at one of the Township open space parcels, at a Township park, or that a fee-in-lieu of those plantings be provided. There was no public comment.

- From Section 523.7.D of the Subdivision Ordinance – A minimum of 20 ft. of open space is required between the outside wall of the proposed buildings and parking areas.

Mr. Wynn's review notes that a significant number of proposed parking spaces on both lots do not conform to this minimum setback requirement. The applicant requested waiver to permit a 10 ft. setback subject to review by the servicing fire department, and advised that the proposed buildings are to be non-combustible steel and masonry construction. Mr. Yanoff advised that as of the Planning Commission meeting, the chief of the servicing fire company (Telford Fire Company) had provided an informal review stating agreement that it would be appropriate to reduce the distance between the parking area and the buildings from the 20 ft. required to 12 ft.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant waiver of Section 523.7.D of the Subdivision Ordinance, pending receipt of written verification from the Telford Fire Company, for the Alloy and Stainless Fasteners Land Development, as noted above. There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant preliminary plan approval to the Alloy and Stainless Fasteners Land Development, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated May 10, 2001. There was no public comment.

3. Hilltown Chase Subdivision – In accordance with a court order, the Hilltown Chase Subdivision has not been reviewed by the Planning Commission and has been submitted as a preliminary/final plan for consideration by the Board of Supervisors. Unless an extension in the time frame for review is granted by the applicant, action on this plan is required by May 31, 2001.

The latest engineering review dated May 22, 2001 was discussed. On September 21, 2000, the applicant, Elliott Building Group, LTD, and the Township entered into a Stipulation and Agreement to permit development of the property with 41 residential lots and public sewer system to be connected to the existing gravity sewer located within Beverly Road. The site contains 52.59 acres and is located within the RR Zoning District on Telegraph Road, 1,200 ft. south of Rt. 113. The property contains three existing

ponds. Ground cover is predominantly meadow with an area of woods located along the southern and western property boundary. Public water and sewer facilities via a low-pressure force main system are proposed. No recreational facilities are required by the Ordinance.

Mr. Robert Gundlach, the applicant's legal counsel, and Mr. Larry Byrne, the applicant's engineer, were in attendance to provide an update concerning the plan. The final plans were previously submitted to the Township and the Township Engineer has issued a review letter dated May 22, 2001. The engineer for the applicant will meet with the Township Engineer on June 4, 2001 to review the comments in the May 22, 2001 review, and the applicants engineer will be resubmitting revised plans by the end of next week.

Mr. Gundlach advised that the applicant has not yet received a review from the Hilltown Authority on the final plan submission, but was advised today that the review will be forthcoming tomorrow morning. Once that review is received, the applicant will meet with the Authority engineer to work out the details. The sewage capacity for this project has already been reserved and purchased through the Hilltown Authority.

Mr. Gundlach stated that there are five areas of open space identified on this plan, parcels A through E. Pursuant to the required Stipulation, parcels A and B are proposed to be offered and conveyed to the Township at the time of dedication. Parcels C, D, and E contain an option on behalf of the applicant to either convey those three parcels either independently or altogether to the owner of the Thompson parcel, in return for which the Board requires Mr. Thompson to agree to restrict his property against further subdivision and agree to grant the Township an access easement along the frontage of his property if the Township wishes to extend the sidewalk or walking trail along that frontage in the future. At this time, Mr. Thompson is not interested in taking all three of those parcels. He does not want parcels C and E, which contains the detention basin. As a result, the applicant has now agreed to form a homeowner's association, which will take title to parcels C and E, and will become the responsibility of association for maintenance. With remaining parcel B, which contains the pond area, the applicant hopes to reach an agreement with Mr. Thompson within the next week. If an agreement is reached to convey parcel B to Mr. Thompson, then he will agree to covenant his property against further subdivision, and to convey the open space access easement. If an agreement is not reached with Mr. Thompson, Mr. Gundlach advised that the applicant would convey parcel D to the homeowner's association, as well.

Mr. Gundlach provided a written extension through June 30, 2001 for review of these plans. Mr. Wynn noted that it is important that the revised plans be received not later than next week in order to permit sufficient time for review. Mr. Wynn advised that the major items yet to be resolved on this plan include open space ownership, stormsewer

issues and review of the Hilltown Water and Sewer Authority review, especially with respect to sewer.

Public Comment:

1. Mr. John Herring of 21 Beverly Road asked when construction of this development might begin. Ideally, Mr. Gundlach replied that the applicant will hopefully be back before the Board next month to obtain final plan approval, and then proceed forward once all other approvals are in hand, including that from the Hilltown Authority and DEP, which should be within the next three months.

Mr. Herring's driveway and yard, as well as a neighboring property owner's driveway and yard, would need to be extended because they are located in the bulb of the temporary cul-de-sac. Mr. Herring asked when Beverly Road would be made a through street and what kind of action would be taken as far as extending those two driveways. Mr. Byrne advised that the applicant is proposing to remove the paving of the temporary cul-de-sac bulb, and extend those driveways to the new proposed curb of the street, and then grade and seed the front yard area. Chairperson Bennington was under the impression that the cul-de-sac would remain in place until construction was complete. Mr. Wynn replied that the proposal is not to allow construction activity and/or traffic to go through Beverly Road until construction is complete. Mr. Byrne commented that there is a proposal on the plan to provide a temporary barricade during construction. Once the cul-de-sac is opened, Mr. Herring asked if the existing trees will be removed, and Mr. Byrne replied that they would be removed. Mr. Herring asked if it would be possible to allow the trees to remain until the temporary cul-de-sac is removed. Mr. Gundlach explained that it would not be possible to allow the trees to remain until after construction because the roadway must be graded and the roadway base must be installed at the same time. Beyond that, Mr. Wynn commented that water and sewer lines must be installed through that temporary cul-de-sac, with sewer lines the first to be constructed. Therefore, the trees would have to be removed for that swath to be cut for the installation of water and sewer facilities.

When the bulb of the temporary cul-de-sac is cut, Supervisor Bender asked if those properties located at the end of Beverly Road would gain property. Mr. Byrne explained that the way the plan was approved for the Beverly Road development, the cul-de-sac was installed temporarily so those properties do now go to the right-of-way. Mr. Wynn stated that there are temporary easements for that extra paving. Those two property owners do own the land, but right now it is paved in asphalt. Once the temporary cul-de-sac is cut through, that asphalt will be made into lawn, and the temporary easement will cease.

2. Mr. Bill Rieser of 508 Telegraph Road noted that at one point, there was talk about a berm being constructed along the common property line between his and the proposed development. Mr. Byrne advised that there is a berm proposed along Telegraph Road, but there is no berm proposed along the common property boundary between Mr. Rieser's property and the development. Mr. Rieser asked if there will be protection from runoff from the Hilltown Chase subdivision to his property. Mr. Byrne replied that there is a detailed grading and drainage plan proposed. The water from the rear lots will collect into drainage swales, and be piped down to the detention basin. Actually, Mr. Byrne noted there will be less water flowing onto Mr. Rieser's property than at present.

Currently there is a six or seven acre woods along the property boundary, and Mr. Rieser asked if the entire woods will be removed. Mr. Byrne explained that the wooded portion at the two existing ponds will remain. The limit of disturbance is restricted to the road right-of-way and the dwellings, and therefore, a majority of the woods will remain in tact. Mr. Rieser asked who will maintain the woods. Mr. Byrne replied that it will be the responsibility of the individual property owners of Lots #30, #31, #32, #35, #36, #37 and a portion of Lot #33, as well as the portion that will be owned by the Township.

Mr. Rieser asked if Telegraph Road will be widened. Mr. Byrne stated that no widening is proposed overall, but there will be some widening near the entrance to the development, and other improvements to Telegraph Road, primarily grading, drainage, paving overlay and improving the swale. The applicant is not proposing to adjust the profile of Telegraph Road.

3. Supervisor Snyder is aware that the residents of Beverly Road are very concerned about becoming a cut-through from Rt. 152 to Telegraph Road, and have also expressed concern about speeding issues. While she believes the circuitous route that is proposed will help, Supervisor Snyder asked if the developer is proposing any other type of traffic calming devices in order to keep the speed of vehicles down. Mr. Byrne advised that the main form of the traffic calming will be by providing the "T" intersection so that vehicles would have to come to a complete stop. Also, the path through the development from Beverly Road is more of a roundabout route so that it would not be a direct access through the development. The applicant is not proposing installation of raised medians. Mr. Herring asked if the developer had considered a speed hump. Mr. Byrne felt that such a device would create more of a problem than it would solve, and could become more of a traffic hazard. Supervisor Bender recalls previous discussions about the installation of traffic calming devices to be considered at the end of Beverly Road where the cul-de-sac would be removed, however he does agree that the circuitous route will discourage through traffic. Mr. Herring has three small children, one neighbor has three small children, and another neighbor has two small children, all of which are familiar with playing in that cul-de-sac, and he is concerned that once the cul-de-sac is removed, the children will be in danger. His main concern is at the end of the existing

temporary cul-de-sac on Beverly Road, and asked the developer to consider some sort of traffic calming device. Mr. Gundlach advised that the applicant has the same concerns with the danger of additional traffic and speed, and they would be happy to consider the possibility of a speed bump. Mr. Gundlach cautioned that there are liability issues associated with speed bumps, but agreed to leave that decision to the Board of Supervisors.

4. PWTA Regional Act 537 Plan – As requested by PWTA, the Planning Commission approved correspondence to DEP regarding the Regional Act 537 Plan for expansion of the PWTA plant. The recommended approval of the plan notes that capacity within the plant in the Mill Creek Basin, which is the Telford Borough Authority service area, includes portions of the service district that is zoned Rural Residential where sanitary sewer is not permitted at this time. That correspondence was forwarded to DEP. Since that time, Mr. Wynn received a call from Mr. Ciottoni, the engineer for PWTA, who indicated that a Resolution from the Supervisors is required regarding the Act 537 Plan revision. Mr. Wynn noted that this is not a revision to Hilltown's Act 537 Plan, however DEP still requires a Resolution. The proposed Resolution before the Board indicates that the Township has reviewed the Regional Act 537 Plan which provides for public sewer facilities within a portion of Hilltown Township; that the Sewage Facility Plan prepared for PWTA conforms to applicable Zoning, Subdivision, and other Ordinances and Plans; is a comprehensive program for pollution control and water quality management; and is consistent with the Township Act 537 Plan as adopted and approved by DEP. It also states that the Plan calls for an expansion of PWTA to a capacity of 5.4 million gallons per day, and that it will serve future needs for Perkasio, Sellersville, and Telford Boroughs. Chairperson Bennington wished to confirm that this Resolution is required by DEP, it does not that that Hilltown Township commits to or supports anything; it is merely a generic statement. Mr. Wynn agreed.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-16, to adopt and submit the PWTA Regional Act 537 Plan to the Pennsylvania Department of Environmental Protection for approval.** There was no public comment.

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

1. Country Roads Subdivision – A \$2,500.00 cash escrow has been retained by the Township to guarantee street trees that were replaced in the fall of 2000. Recent inspection indicates that all of the street trees have survived and Mr. Wynn recommended release of the escrow funds to MVI, less any outstanding administrative, legal, or engineering costs.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to release the balance of the cash escrow fund for the Country Roads development, as noted above. There was no public comment.

2. Bricks Villa Subdivision (aka: Hilltown Woods) – Mr. Wynn advised that correspondence dated May 16, 2001 was forwarded from his office to Parec Homes, the developer of the Hilltown Woods Subdivision, which listed items contained in the November 8, 2000 punchlist. Mr. Wynn noted that the punch list was created from a previous August 22, 2000 punchlist of items that had not yet been completed at the site. After the August 22nd punchlist was reviewed by the developer, they indicated that the work would be completed by the end of October, 2000, however it was not. In February of 2001, Mr. Wynn forwarded correspondence to Kenneth Martin, vice-president of Parec Homes, requesting a schedule for completion of the outstanding items. On April 4, 2001, Mr. Wynn received a schedule indicating that all outstanding work would be completed by April 11, 2001. In addition to the 13 punchlist items on the original punchlist, in January, 2001, Mr. Wynn advised the developer of a tree that was planted last fall, which the property owner complained was never staked properly and constantly blew over. That tree subsequently died and was added to the punch list for replacement. In response to Mr. Wynn's May 16, 2001 letter, a fax was received from Mr. Martin indicating that of the 13 items on the punchlist, re-grading a portion of swale C along the rear of Lot #49, is the last remaining item not 100% resolved. On May 24, 2001, Mr. Wynn inspected the site once again, indicating that all 13 items, plus the additional item of the one tree, have not been completed.

It is Mr. Wynn's recommendation that the Supervisors find the developer of Hilltown Woods in default and to use the balance of the escrow funds to complete the items remaining on the punchlist.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to find the developer of Hilltown Woods Subdivision in default and to use the balance of the escrow to complete the outstanding improvements as noted above. There was no public comment.

3. Tall Oaks Subdivision – The remaining maintenance punchlist items including concrete curb repair and seam sealing has been completed. Mr. Wynn recommended the release of the balance of cash escrow funds, approximately \$4,800.00, to the developer less any outstanding administrative, legal, or engineering costs.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to release the balance of funds for the Tall Oaks Subdivision, as noted above. There was no public comment.

4. Kunkin Land Development (Cherry Lane) – Mr. Wynn advised that the Township is in possession of an escrow in the amount of \$19,000.00+ for work that was to be accomplished at this site, including underground stormsewer, detention facilities, improvements to Cherry Lane and Bethlehem Pike, etc. The items that have not been completed and remain outstanding after repeated contact with the developer, includes a PennDot permit for the improvements to Cherry Lane and Bethlehem Pike, return of the mylar as recorded at Bucks County, and entrance improvements (paving and widening). On May 22, 2001, Mr. Wynn faxed correspondence to the developer advising that he intends to recommend to the Board of Supervisors that the developer be found in default if these three items are not accomplished in 30 days. To date, there has been no response from Mr. Kunkin.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to find the developer of the Kunkin Land Development in default if the required repairs are not completed within 30 days, as noted above. There was no public comment.

5. Mr. Wynn received a call from the resident of 26 Endslo Lane in the former Hilltown Hunt Subdivision, whose property abuts the Godshall property on Rt. 152. The rear of this resident's property abuts part of lands owned by the Township as part of the detention basin. His immediate neighbor, as well as four or five lots to the northeast, all have maple trees planted as required by the Hilltown Hunt development, along the rear of their properties. This resident has been maintaining that area by mowing the grass, and he would like to plant a row of maple trees on the Township property, at his expense, so that it is consistent with his neighbor's property. Mr. Wynn suggested that approval be given for the owner of 26 Endslo Lane to plant maple trees on Township property at the rear of his site.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to permit the owner of 26 Endslo Lane to plant maple trees in Township open space, consistent with the neighboring property owners in the former Hilltown Hunt Subdivision. There was no public comment.

J. MYLARS FOR SIGNATURE:

1. Pleasant View Estates (formerly Callowhill Rd. Subdivision)

K. PUBLIC COMMENT:

1. Mr. Charles Schaefer of 109 Schultz Road wondered who would pay for the construction of a golf course on the Berry Brow Subdivision in the future. Chairperson Bennington suspects that the Township would find people who were willing to go into partnership or who would want to design and construct the golf course

themselves, while sharing in the profits with the Township. Mr. Schaefer is concerned that the cost would be passed along to the residents by raising Township taxes.

2. Mr. Reppert, a resident of the Longleaf Estates Subdivision, noted that he and others in the development are having a difficult time with getting things done by Heritage Building Group. Mr. Reppert and his neighbors are still concentrating on getting outstanding issues completed from pre-settlement lists of last July. These lists have been repeatedly forwarded to Heritage Building Group, with no results. Mr. Reppert and his neighbors are poised to file a lawsuit and injunction against Heritage Building Group to cease construction in Hilltown Township, which is an indication of how serious this problem has become. Mr. Reppert would like to the Board to insure that any construction begun by Heritage Building Group be completed to the satisfaction of the homeowner. While the Board of Supervisors sympathize with Mr. Reppert and the other homeowners in the Longleaf Subdivision, Chairperson Bennington feels these issues are really privately homeowner/builder related issues, which are something the Township cannot be involved with. Mr. Reppert disagreed, and stated that the Township does have control over the general construction of the dwellings. Chairperson Bennington reminded Mr. Reppert that the once the Township Building Inspector inspects a dwelling to guarantee that the house is a safe, that is the extent of the Township's responsibility. Individual issues must be addressed with Heritage Building Group, which is the homeowner's responsibility. Solicitor Grabowski advised that the Township, just like any other form of government, can only do what is permitted by law. Hilltown Township follows the BOCA Code, Fire Code, Plumbing Code, and Electrical Code to the tee, yet there are things that the Township just does not have jurisdiction over, such as builder's warranties. Solicitor Grabowski suggested that Mr. Reppert provide a list of specific items for the Building Inspector to review to determine whether or not he has authority over them. If it is a violation of the BOCA Code or a safety code, Mr. Taylor can address those issues, but other issues Mr. Reppert referred to would be a private matter between himself and Heritage Building Group. Supervisor Snyder commented that unfortunately, the Municipalities Planning Code does not provide municipalities with the authority to ban certain developers from the Township because of substandard work. A lengthy discussion took place.

Mr. Reppert noted that Heritage Building Group hires subcontractors who are not licensed to work in Hilltown Township. Supervisor Bender suggested that the Building Inspector conduct surprise inspections for unlicensed contractors.

3. Ms. Sandy Williamson of Mill Road was very happy with the third option for the open space in Berry Brow Farm as suggested by the Supervisors this evening. Discussion took place.

4. Mr. Marino suggested that when and if the Township decides to construct a golf course on the Berry Brow property, professionals be hired to operate the course.

L. SUPERVISOR'S COMMENTS:

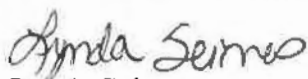
1. Supervisor Bender commented that construction of a golf course would be too complex for the Township, and if one is to be built, the Township would certainly hire professionals to do it the right way.

2. Chairperson Bennington has received complaints that the community map that was sent to each resident was inaccurate, listing Diane Parks as Supervisors and Tom Druce as State Representative. Mr. Lippincott explained that the map was sent approximately 1 ½ years late and was paid for by advertisers, not Township residents. The map was delayed by the printer for unknown reasons, despite repeated attempts for clarification. Finally, the maps were mailed from the printer to the residents with incorrect information. In the future, it is Mr. Lippincott's hope that the maps will be done in-house, with advertiser fees going toward the Park and Recreation Board.

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

N. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to adjourn the May 29, 2001 Supervisor's Meeting at 10:06PM.

Respectfully submitted,


Lynda Seimes
Township Secretary